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TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 31—EFFICIENCY RATING BOARDS OF REVIEW

Part 31 is revised and amended to read as set out below.

Sec.
31.1 Establishment and jurisdiction.
31.2 Members.
31.3 Appeals.
31.4 Hearings.
31.5 Decisions.
31.6 Effect of decisions.
31.7 Effective date.

AUTHORITY: §§ 31.1 to 31.7 issued under sec. 7, 54 Stat. 1215; 5 U. S. C. 669; sec. 2, 60 Stat. 752; 5 U. S. C. 669a.

§ 31.1 *Establishment and jurisdiction.* The head of each department and agency having employees subject to the provisions of section 9 of the Classification Act of 1923, as amended, shall establish, with the approval of the Civil Service Commission, one or more boards of review for the purpose of considering and passing upon the merits of efficiency ratings assigned to such employees. The jurisdiction of each board of review shall be specific and exclusive to that of any other such board.

§ 31.2 *Members.* (a) Each board of review shall be composed of a chairman designated by the Civil Service Commission, an employee member designated by election by employees in such manner as shall be determined by the Commission, and a department member designated by authority of the head of the department or agency concerned. One or more alternate members shall be provided for each member, each alternate being designated in the same manner as his principal. Members and alternate members of boards of review shall be designated for two year terms expiring June 30, but may continue to serve until their successors are installed: *Provided,* That they may complete any case ready for decision or in process of oral hearing.

(b) All members and alternate members of boards of review serving agencies in the Executive branch of the Federal government shall be officers or employees of the Executive branch. All members and alternate members of boards of review (except chairmen and alternate chairmen) serving agencies not in the Executive branch shall be designated from the branch of government to which such agencies respectively belong.

§ 31.3 *Appeals.* Each appeal from an efficiency rating shall be submitted in writing to the chairman of the appropriate board of review within 30 days after the date the employee received notice of his rating. Boards of review may waive this requirement for good and sufficient reasons.

§ 31.4 *Hearings.* Information necessary to determine the merits of appealed efficiency ratings shall be presented at oral hearings conducted by the board of review: *Provided,* That the board, with the consent of the appellant, may proceed to a consideration of the appeal without oral hearing on the basis of written information submitted by the parties. The Chairman or an alternate chairman of the board of review shall preside at oral hearings and rule upon all questions arising during such hearings. At oral hearings, the person whose rating is under consideration and his representative, and such representatives of the department or agency as are designated under the authority of the head thereof, shall have an opportunity to be present. In any case, each party shall have an opportunity to submit any information the board of review deems pertinent, and to hear and examine, and reply to, other information received by such board. The record of any prior review of an efficiency rating under consideration shall be deemed to be pertinent by the board of review. A stenographic report of an oral hearing shall be required only when it is determined by the unanimous vote of the board that it is necessary to the best interests of the Government and the employee.

§ 31.5 *Decisions.* After ascertaining the pertinent facts in each case, the board of review shall proceed to determine such increase in the efficiency rating as it deems proper, or sustain the appealed efficiency rating without change. Decisions shall be made by a majority vote. Notices of decisions shall be in writing, shall be sent to the appellants, to the representatives of the

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

heads of the departments or agencies, and to the Civil Service Commission, and shall contain summary statements of the facts on which the decisions are based.

§ 31.6 *Effect of decisions.* Upon receiving the notice of a decision of a board of review increasing the efficiency rating of an employee, the department or agency shall correct all records of the original rating, shall reconsider any and all administrative actions based on the original rating, and insofar as possible under the law and regulations and in the public interest, redetermine and adjust such administrative actions to conform to the corrected efficiency rating.

§ 31.7 *Effective date.* The regulations in this part supersede the regulations in Executive Order No. 9252, October 9, 1942, shall be effective immediately in the departmental service, and shall be effective in the field services upon the establishment of boards of review with appropriate jurisdiction. Pending the establishment of boards of review with appropriate jurisdiction in the field service, any employee in a field service position subject to the compensation schedules of the Classification Act of 1923, as amended, may appeal his efficiency rating to the chairman of the board of review at his departmental headquarters for consideration on the basis of information submitted in writing.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] H. B. MITCHELL,
President.
FRANCES PERKINS,
Commissioner.

Approved: October 5, 1948.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 48-10125; Filed, Nov. 19, 1948; 8:45 a. m.]

TITLE 7—AGRICULTURE

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Tangerine Reg. 77]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.409 *Tangerine Regulation 77*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committee established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 22, 1948, and ending at 12:01 a. m., e. s. t., November 29, 1948, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, which grade U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade; or

(ii) Any tangerines, grown in the State of Florida, which are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," and "standard pack" shall each have the same meaning as is given to the respective term in the United States Standards for Tangerines (13 F. R. 4790) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10200; Filed, Nov. 19, 1948; 9:27 a. m.]

[Grapefruit Reg. 104]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.410 *Grapefruit Regulation 104*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps., Part 933) regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., November 22, 1948, and ending at 12:01 a. m., e. s. t., November 29, 1948, no handler shall ship:

(i) Any grapefruit of any variety, grown in the State of Florida, which grade U. S. No. 2 Russet, or lower than U. S. No. 2 Russet;

(ii) Any seeded grapefruit, other than pink grapefruit, grown in the State of Florida which are of a size smaller than a size that will pack 70 grapefruit, packed

in accordance with the requirements of a standard pack, in a standard nailed box;

(iii) Any pink seeded grapefruit grown in the State of Florida which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iv) Any seedless grapefruit of any variety, grown in the State of Florida, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler" and "ship" shall have the same meaning as is given to each such term in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Grapefruit (13 F. R. 4787) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10201; Filed, Nov. 19, 1948; 9:27 a. m.]

[Orange Reg. 153]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.408 *Orange Regulation 153*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR and Supps. Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for such effective date.

(b) *Order* (1) During the period beginning at 12:01 a. m., e. s. t., November 22, 1948, and ending at 12:01 a. m., e. s. t., November 29, 1948, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida which grade U. S. No. 2 Bright, U. S. No. 2, U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade;

(ii) Any oranges, except Temple oranges, grown in the State of Florida which are of a size smaller than a size that will pack 252 oranges, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any Temple oranges, grown in the State of Florida, which grade U. S. No. 2 Russet, U. S. No. 3, or lower than U. S. No. 3 grade.

(2) As used in this section, the terms "handler" and "ship" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Bright," "U. S. No. 2," "U. S. No. 2 Russet," "U. S. No. 3," "standard pack," and "standard nailed box" shall each have the same meaning as when used in the United States Standards for Oranges (13 F. R. 5174, 5306) (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10197; Filed, Nov. 19, 1948; 9:26 a. m.]

[Lemon Reg. 300, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq., 13 F R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure (60 Stat. 237; 5 U. S. C. and Sup. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of lemons grown in the State of California or in the State of Arizona.

Order as amended. The provisions in paragraph (b) (1) of § 953.407 (Lemon Regulation 300, 13 F. R. 6675), are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., November 14, 1948, and ending at 12:01 a. m., P s. t., November 21, 1948, is hereby fixed as follows:

(i) District 1. 270 carloads;

(ii) District 2: 5 carloads.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 18th day of November 1948.

[SEAL] M. W BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

[F. R. Doc. 48-10199; Filed, Nov. 19, 1948; 9:26 a. m.]

[Lemon Reg. 301]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.408 *Lemon Regulation 301*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR, Cum. Supp., 953.1 et seq., 13 F. R. 766), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P s. t., November 21, 1948

and ending at 12:01 a. m., P. s. t., November 28, 1948 is hereby fixed as follows:

(i) District 1. 253 carloads;

(ii) District 2: 7 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," and "District 2" shall have the same meaning as is given to each such term in the said amended marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C. this 18th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

Storage date: Nov. 14, 1948

[12:01 a. m. Nov. 21, 1948, to 12:01 a. m. Dec. 5, 1948]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.288
American Fruit Growers, Inc., Fullerton	.213
American Fruit Growers, Inc., Lindsay	.000
American Fruit Growers, Inc., Upland	.215
Hazeltine Packing Co	.503
Ventura Coastal Lemon Co	3.699
Ventura Pacific Co	1.942
Total A. F. G	6.860
Klink Citrus Association	.185
Lemon Cove Asssociation	.164
Glendora Lemon Growers Association	3.496
La Verne Lemon Association	742
La Habra Citrus Association, The	1.805
Yorba Linda Citrus Association, The	.834
Alta Loma Heights Citrus Association	.903
Etiwanda Citrus Fruit Association	.382
Mountain View Fruit Association	427
Old Baldy Citrus Association	1.053
Upland Lemon Growers Association	5.887
Central Lemon Association	764
Irvine Citrus Association, The	.521
Placentia Mutual Orange Association	.845
Corona Citrus Association	.272
Corona Foothill Lemon Co	1.703
Jameson Company	.644
Arlington Heights Citrus Co	487
College Heights Orange and Lemon Association	4.024
Chula Vista Citrus Association, The	.667
El Cajon Valley Citrus Association	.081
Escondido Lemon Association	1.369
Fallbrook Citrus Association	1.315
Lemon Grove Citrus Association	.425
San Dimas Lemon Association	2.728
Carpinteria Lemon Association	3.312
Carpinteria Mutual Citrus Association	2.851
Goleta Lemon Association	3.493
Johnston Fruit Co	4.073
North Whittier Heights Citrus Association	.555
San Fernando Heights Lemon Association	1.238
San Fernando Lemon Association	.196
Sierra Madre-Lamanda Citrus Association	1.597
Tulare County Lemon & Grapefruit Association	.134
Briggs Lemon Association	2.128
Culbertson Investment Co	1.424
Culbertson Lemon Association	1.193
Fillmore Lemon Association	1.361
Oxnard Citrus Association No. 1	7.672
Oxnard Citrus Association No. 2	.327
Rancho Sespe	.345
Santa Paula Citrus Fruit Association	2.930
Saticoy Lemon Association	4.952
Seaboard Lemon Association	3.724
Somis Lemon Association	3.209
Ventura Citrus Association	1.502
Limoneira Co	1.498
Teague-McKevett Association	.632
East Whittier Citrus Association	.535
Leffingwell Rancho Lemon Association	.569
Murphy Ranch Co	1.417
Whittier Citrus Association	.484
Whittier Select Citrus Association	.220
Total C. F. G. E	85.909
Chula Vista Mutual Lemon Association	.630
Escondido Co-op. Citrus Association	.147
Index Mutual Association	.214
La Verne Co-operative Citrus Association	2.598
Orange Co-operative Citrus Association	.631
Ventura County Orange & Lemon Association	1.934
Whittier Mutual Orange & Lemon Association	.100
Total M. O. D	5.709
California Citrus Growers, Inc., Ltd	.000
Dunning, William A	.059
El Rio Lemon Co	.135
Evans Bros. Packing Co	.020
Flint, Arthur E	.009
Harding & Leggett	.211
Johnson, Fred	.017
Lorbeer, Carroll W. C	.048
MacDonald, Hugh J	.024
Orange Belt Fruit Distributors	.651
Reimers, Don H	.076
San Antonio Orchard Co	.189
Sentinel Butte Corp	.000
Zaninovich Bros., Inc	.116
Total independents	1.451

DISTRICT NO. 2

Total	100.000
Consolidated Citrus Growers	14.238
Phoenix Citrus Packing Co	.000
Total A. F. G	14.238
Arizona Citrus Growers	24.139
Desert Citrus Growers Co	20.457
Mesa Citrus Growers	10.073
Tempe Citrus Co	1.718
Total C. F. G. E	56.367
Leppla Henry Produce Co	20.718
Pioneer Fruit Co	8.423
Total M. O. D	29.140
Morris Bros	.229
Total independents	.229

[F. R. Doc. 48-10188; Filed, Nov. 19, 1948; 9:26 a. m.]

[Orange Reg. 255]

PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 966.401 *Orange Regulation 255*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., November 21, 1948 and ending at 12:01 a. m., P. s. t., November 28, 1948 is hereby fixed as follows:

(i) *Valencia oranges.* (a) Prorate District 1. No movement; (b) Prorate District No. 2: Unlimited movement; (c) Prorate District No. 3: No movement.

(ii) *Oranges other than Valencia oranges.* (a) Prorate District No. 1: 700 carloads; (b) Prorate District No. 2: No movement; (c) Prorate District No. 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 (11 F. R. 10258) of the rules and regulations contained in this part. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 19th day of November 1948.

[SEAL] M. W. BAKER,
Acting Director, Fruit and Vegetable Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

ALL ORANGES OTHER THAN VALENCIA ORANGES

Prorate District No. 1

[12:01 a. m. Nov. 21, 1948, to 12:01 a. m. Nov. 28, 1948]

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.6850
A. F. G. Porterville	2.2885
A. F. G. Sides	.5910
Ivanhoe Cooperative Association	.6257
Dofflemyer & Sons, W. Todd	.5917
Earlibest Orange Association	1.2769
Elderwood Citrus Association	7681
Exeter Citrus Association	2.4632
Exeter Orange Growers Association	1.2658
Exeter Orchards Association	1.3346
Hillside Packing Association	1.8640
Ivanhoe Mutual Orange Association	1.0573
Klink Citrus Association	4.3502
Lemon Cove Association	1.8540
Lindsay Citrus Growers Association	2.1151
Lindsay Coop. Citrus Association	1.4679
Lindsay District Orange Co	1.3073
Lindsay Fruit Association	1.8798
Lindsay Orange Growers Association	7940
Naranjo Packing House Co	.9659
Orange Cove Citrus Association	2.9231
Orange Cove Orange Growers	1.9241
Orange Packing Co	1.0671
Orosi Foothill Citrus Association	1.3474
Paloma Citrus Fruit Association	1.0325
Rocky Hill Citrus Association	1.4179
Sanger Citrus Association	3.3066
Sequoia Citrus Association	1.1123
Stark Packing Corp	2.0447
Visalia Citrus Association	1.5682
Waddell & Son	1.5019
Butte County Citrus Association, Inc	1.0614
James Mills Orchards Co	.3790
Orland Orange Growers Association, Inc	.8797
Andrews Bros. of California	.5324
Baird-Neece Corp	1.8528
Beattie Association, Agnes M	7122
Grand View Heights Citrus Association	2.4542
Magnolia Citrus Association	2.3611
Porterville Citrus Association, The	1.3650
Richgrove-Jasmine Citrus Association	1.4388
Sanidlands Fruit Co	1.4483
Strathmore Coop. Association	1.4756
Strathmore District Orange Association	1.3755
Strathmore Fruit Growers Association	1.1068
Strathmore Packing House Co	1.5669
Sunflower Packing Association, Inc	2.4352
Sunland Packing House Co	2.7927
Terra Bella Citrus Association	1.2007
Tule River Citrus Association	1.2909
Kroelis Bros., Ltd	1.3060
Lindsay Mutual Groves	1.6037
Martin Ranch	1.4825
Woodlake Packing House	2.2015
Anderson Packing Co., R. M	7870
Baker Bros	.1303
Calif. Cit. Groves, Inc., Ltd	2.2399
Chess Co., Meyer W	.3582
Edison Groves, Inc	1.1097
Exeter Groves Packing Co	6522
Furr, N. C	4072
Ghianda Ranch	.0250
Harding & Leggett	1.5080
Justman Frankenthal Co	0186
Lo Bue Bros	1.4043
Marks, W. M	.3225
Panno Fruit Co., Carlo	.3641
Randolph Marketing Co	2.2804
Reimers, Don H	.3710
Rooke Packing Co., B. G	1.3699
Schertz Orange Ranch	.0531

PRORATE BASE SCHEDULE—Continued

ALL ORANGES OTHER THAN VALENCIA ORANGES—continued

Prorate District No. 1—Continued

Handler	Prorate base (percent)
Wollenman Packing Co	1.2868
Woodlake Hts. Pkg. Corp	.6254
Zaninovich Brothers	.5517

[F. R. Doc. 48-10216; Filed, Nov. 19, 1948; 12:05 p. m.]

TITLE 18—CONSERVATION OF POWER

Chapter I—Federal Power Commission

[Amdt. to Order 144; Docket No. R-107]

MISCELLANEOUS AMENDMENTS

NOVEMBER 12, 1948.

In the matter of amendment of regulations and approved forms under the Natural Gas Act, to prescribe revised rules governing form, composition, filing and posting of rate schedules and tariffs for the transportation or sale of natural gas subject to the jurisdiction of the Commission.

Upon consideration of the Commission's Order No. 144, issued October 30, 1948 (13 F R. 6371) amending its general rules and regulations.

The Commission orders that: Said order be and it is hereby amended by adding a paragraph thereto as follows:

(D) Section 153.8 of Part 153, all of Part 154, of Subchapter E, and §§ 250.2, 250.3 and 250.4 of Part 250 of Subchapter G, of the Commission's rules and regulations prescribed by Order No. 141, effective January 1, 1948, be and they are hereby declared superseded after November 30, 1948, by the new and amended sections referred to in paragraph (A) thereof.

Date of issuance: November 17, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-10132; Filed, Nov. 19, 1948; 8:46 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration (Old-Age and Survivors Insurance), Federal Security Agency

[Regs. 3, Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

LUMP-SUM DEATH PAYMENTS

Regulations No. 3, as amended (20 CFR, 1947 Sup., 403.1 et seq.) are further amended as follows:

1. Section 403.408 (b) (2) is amended to read as follows:

§ 403.408 *Lump-sum death payments.* * * *

(b) *Persons entitled to receive payments.* * * *

(2) *Persons equitably entitled.* If there is no such person as is described in the applicable subdivisions under subparagraph (1) of this paragraph, or if such person dies before receiving payment, the lump sum will be payable to any person or persons, equitably entitled thereto, to the extent and in the proportions that he or they shall have paid the burial expenses of the deceased insured individual. The term "person or persons equitably entitled" does not include, among others, any of the following:

(i) The United States Government or any wholly owned instrumentality thereof.

(ii) Any person under contractual obligation to pay the burial expenses of the deceased, to the extent of such obligation.

(iii) Any person paying the expenses of the burial of a member or employee of such person, to the extent of any payment under a plan, system, or general practice.

(iv) Any person furnishing goods or services in connection with the burial of the deceased, to the extent that goods or services are furnished.

(v) Any person who has been, or will be, wholly or partially reimbursed, to the extent of such reimbursement.

(vi) Any individual who has been finally convicted by a court of competent jurisdiction of the felonious homicide of the deceased (see § 403.409)

2. Section 403.408 (b) is further amended by adding after subparagraph (2) new subparagraphs (3), (4), (5), and (6) to read as follows:

(3) *Payment of lump sum to equitably entitled estate.* (i) Where an estate is a person equitably entitled payment will be made to the legal representative of such estate.

(ii) When it appears reasonably certain that a legal representative has not been and will not be appointed, or where the legal representative has been discharged, application may be filed by a relative of the wage earner by blood, marriage, or adoption and payment may be made to such applicant on behalf of the estate if the requirements of subparagraphs (4) and (5) of this paragraph are met.

(4) *Consent of relatives to payment.* (i) Payment of the lump sum may be made as provided in subparagraph (3) (ii) of this paragraph if consents to such payment are obtained from the wage earner's spouse, if readily available, and from all readily available members of the group of relatives closest in kinship to the wage earner, as determined by the following groupings:

(*a*) Children and children of deceased children;

(*b*) Parents;

(*c*) Brothers and sisters and children of deceased brothers and sisters;

(*d*) All other relatives by blood or adoption, the closeness of relationship being determined according to the law of the wage earner's domicile.

(ii) No consents will be required under this subparagraph in any case where the amount due the estate, if divided equally among the applicant and each of the relatives from whom consents would normally be required, would result in a

payment to each such person of $15 or less.

(5) *Agreement to distribute.* Payment of the lump sum may be made as provided in subparagraph (3) (ii) of this paragraph if the applicant promises to distribute the payment to the person or persons entitled thereto under applicable State law and to account therefor to a legal representative if one should be appointed.

(6) *Payment where individual paying burial expenses dies before collecting lump sum.* Where an individual who has paid the wage earner's burial expenses dies before collecting the lump sum, payment may be made on behalf of his estate as in the case where burial expenses were paid from funds belonging to the estate of the wage earner, except that the deceased individual's spouse may be preferred as payee on behalf of the estate in which event consents as required by subparagraph (4) of this paragraph need not be obtained from any other relative of the deceased individual.

3. Section 403.701 (c) (2) is amended to read as follows:

§ 403.701 *Filing of application and other forms.* * * *

(c) *Persons who may execute applications.* * * *

(2) If, however, the applicant (regardless of his age) has a legally appointed guardian, committee, or other legal representative, the application shall be executed by such guardian, committee, or representative. For authority to file application on behalf of an estate which is equitably entitled see § 403.408 (b) (3)

(Sec. 205 (a) 53 Stat. 1358, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a) 1302; sec. 4, Reorg. Plan No. 2 of 1946, 11 F. R. 7873; 45 CFR, 1946 Supp., 121)

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: November 15, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-10143; Filed, Nov. 19, 1948; 8:49 a. m.]

[Regs. 3, Amdt.]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE

MAGAZINES AND NEWS VENDORS' SERVICES

Regulations No. 3, as amended (12 F R. 608) are further amended as follows:

1. Subparagraph (15) paragraph (b) of section 209 of the act as contained in Subpart H preceding § 403.801 is amended to read as follows:

SECTION 209 OF THE ACT

(b) * * *

(15) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution [for amendment to section 209 (b) (15) by Public Law 492 see below]; or

2. The following statutory provisions are added immediately preceding § 403.801.

SECTION 1 OF PUBLIC LAW 492 (80TH CONGRESS), ENACTED APRIL 20, 1948

That (a) section 209 (b) (15) of the Social Security Act, as amended (U. S. C., 1940 edition, Supp. V, title 42, section 409 (b) (15)), * * * [is] hereby amended to read as follows:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines are to be sold by him at a fixed an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or

(b) The amendment made by subsection (a) to section 209 (b) (15) of the Social Security Act shall be applicable with respect to service performed after the date of the enactment of this Act * * *

3. The statutory provisions immediately preceding § 403.826 are amended to read as follows:

SECTION 209 (B) (15) OF THE ACT

The term "employment" mean * * * any service, of whatever nature, performed after December 31, 1939, by an employee for the person employing him * * * except:

(15) (A) Service performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution;

(B) Service performed by an individual in, and at the time of, the sale of newspapers or magazines to ultimate consumers, under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, whether or not he is guaranteed a minimum amount of compensation for such service, or is entitled to be credited with the unsold newspapers or magazines turned back; or [The amendment made by section 1 of Public Law 492 (80th Congress) redesignated paragraph (15) as subparagraph (A) of paragraph (15) and added subparagraph (B) which shall be applicable with respect to services performed after April 20, 1948, the date of the enactment of that Act.]

4. Section 403.826 is amended to read as follows:

§ 403.826 *Delivery and distribution of newspapers, shopping news, and magazines*—(a) *In general.* Subparagraph (A) of section 209 (b) (15) of the act, as amended by section 1 of Public Law 492, 80th Congress, enacted April 20, 1948, excepts certain services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news. This exception, which is dealt with in paragraph (b) of this section, continues without change the exception contained in section 209 (b) (15), as added by section 201 of the Social Security Act Amendments of 1939. Subparagraph (B) of section 209 (b) (15), added by section 1 of Public Law 492, excepts certain services in the sale of newspapers and magazines without regard to the age of the individual performing the services. Such exception is dealt with in paragraph (c) of this section. The exception in subparagraph (A) is applicable with respect to services performed after December 31, 1939. The exception in subparagraph (B) is applicable only with respect to services performed after April 20, 1948.

(b) *Services of individuals under age 18.* Services performed by an employee under the age of 18 in the delivery or distribution of newspapers or shopping news, not including delivery or distribution (as, for example, by a regional distributor) to any point for subsequent delivery or distribution, are excepted. Thus, the services performed by an employee under the age of 18 in making house-to-house delivery or sale of newspapers or shopping news, including handbills and other similar types of advertising material, are excepted. The services are excepted irrespective of the form or method of compensation. Incidental services by the employee who makes the house-to-house delivery, such as services in assembling newspapers, are considered to be within the exception. The exception continues only during the time that the employee is under the age of 18.

(c) *Services of individuals of any age.* Services performed by an employee in, and at the time of, the sale of newspapers or magazines to ultimate consumers under an arrangement under which the newspapers or magazines are to be sold by him at a fixed price, his compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to him, are excepted. The services are excepted whether or not the employee is guaranteed a minimum amount of compensation for such services, or is entitled to be credited with the unsold newspapers or magazines turned back. Moreover, the services are excepted without regard to the age of the employee. Services performed other than at the time of sale to the ultimate consumer are not within the exception. Thus, the services of a regional distributor which are antecedent to but not immediately part of the sale to the ultimate consumer are not within the exception. However, incidental services by the employee who makes the sale to the ultimate consumer, such as services in assembling newspapers or in taking newspapers or magazines to the place of sale, are considered to be within the exception.

(Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U. S. C. 405 (a) 1302; sec. 4, Reorg. Plan No. 2 of 1946, 11 F. R. 7873; 45 CFR, 1946 Supp., 121)

[SEAL] A. J. ALTMEYER,
Commissioner for Social Security.

Approved: November 15, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-10141; Filed, Nov. 19, 1948; 8:49 a. m.]

TITLE 25—INDIANS

Chapter I—Office of Indian Affairs, Department of the Interior

Subchapter T—Patents in Fee, Competency Certificates, Sales and Reinvestment of Proceeds

PART 243—DETERMINATION OF COMPETENCY: CROW INDIANS

Sec.
243.1 Purpose of regulations.
243.2 Organization of committee.
243.3 Application and examination.
243.4 Application form.
243.5 Information.
243.6 Factors determining competency.
243.7 Submission of reports.
243.8 Approval of committee action and right of appeal.
243.9 Special instructions.

AUTHORITY: §§ 243.1 to 243.9 issued under sec. 12, 41 Stat. 755, Chap. 414, 46 Stat. 1495.

§ 243.1 *Purpose of regulations.* The regulations in this part govern the procedures of the committee of three members appointed by the Secretary of the Interior in accordance with section 12 of the act of June 4, 1920 (41 Stat. 755-6) and the act of March 3, 1931 (46 Stat. 1495, Chap. 414) to determine the competency of adult members of the Crow Tribe.

§ 243.2 *Organization of committee.* The members of the committee shall meet at the Crow Indian Agency office at a time agreed upon by them and shall select one of their members as Chairman, who shall establish the times and places when the committee shall meet to consider applications from adult members of the Crow Tribe.

§ 243.3 *Application and examination.* The committee shall, upon the application of any adult member of the Crow Tribe whose name appears on the incompetency roll established under the act of June 4, 1920, determine whether such person is competent. The application must be mailed to or filed with the committee on or before January 31, 1949, at the Crow Indian Agency office, Crow Agency, Montana. The committee may request that an applicant appear before the committee for examination.

§ 243.4 *Application form.* The application form shall be prescribed by the committee and shall include, among other things: (a) The name of the applicant; (b) his age, residence, degree of Indian blood, and education; (c) his experience in farming, cattle raising, business, or other occupation (including home-making) (d) his present occupation, if any; (e) a statement concerning the applicant's financial status, including his average earned and unearned income for the last two years from restricted leases and from other sources, and his outstanding indebtedness to the United States, to the tribe, or to others; (f) a description of his property and its value, including his allotted and inherited lands; and (g) the name of the applicant's spouse, if any, and the names of his minor children, if any, together with a statement regarding the land, allotted and inherited, held by each.

§ 243.5 *Information.* The Superintendent of the Crow Indian Agency shall, upon request, furnish to the committee such other information as he may deem to be essential or helpful to a determination of the competency of any applicant.

§ 243.6 *Factors determining competency.* Among the matters to be considered by the committee are the amount of the applicant's indebtedness to the tribe, to the United States Government, and to others; whether he is a public charge or a charge on friends and relatives, or will become such a charge, by reason of being classed as competent; and whether the applicant has demonstrated that he possesses the ability to take care of himself and his property, to protect the interests of himself and his family, to lease his land and collect the rentals therefrom, to lease the land of his minor children, to prescribe in lease agreements those provisions which will protect the land from deterioration through over-grazing and other improper practices, and to assume full responsibility for obtaining compliance with the terms of any lease.

§ 243.7 *Submission of reports.* (a) A report on each application, giving the determination of the committee as to the competency or incompetency of the applicant, shall be prepared and signed by the committee. If there is a difference of opinion among the members of the committee as to whether the applicant is competent or incompetent, both the majority and minority members shall state in the report the reasons for their respective views.

(b) All applications and reports of the committee thereon shall be submitted through the Regional Director of the Bureau of Indian Affairs at Billings for his recommendation to the Commissioner of Indian Affairs. Such submissions shall be completed on or before April 30, 1949.

§ 243.8 *Approval of committee action and right of appeal.* The determination of the committee shall be subject in each instance to approval by the Commissioner of Indian Affairs, with the right of appeal from the Commissioner's decision to the Secretary of the Interior. Such appeal must be made within 30 days from the date of notice to the applicant of the decision of the Commissioner of Indian Affairs.

§ 243.9 *Special instructions.* Special instructions for carrying out these regulations may be prescribed by the Commissioner of Indian Affairs.

WILLIAM E. WARNE,
Assistant Secretary of the Interior

NOVEMBER 15, 1948.

[F. R. Doc. 48-10135; Filed, Nov. 19, 1948; 8:46 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Bureau of Internal Revenue, Department of the Treasury

Subchapter C—Miscellaneous Excise Taxes

[T. D. 5669]

PART 185—WAREHOUSING OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

1. On September 9, 1948, notice of proposed rule making, regarding the warehousing of distilled spirits, was published in the FEDERAL REGISTER (13 F R. 5239)

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 185.9, 185.10, 185.28, 185.78, 185.79, 185.81, 185.82, 185.83, 185.88, 185.89, 185.96, 185.97, 185.99, and 185.231 of Regulations 10 (26 CFR, Part 185), approved May 20, 1940, are hereby adopted.

3. These amendments are designed to simplify requirements relating to (1) construction and equipment and changes therein, (2) alternate operation of bottling departments of internal revenue bonded warehouses for bottling distilled spirits in bond and bottling after removal from bond, and (3) the preparation and filing of qualifying documents, and for other purposes. It is not intended by these amendments to require warehousemen to file additional plats and plans, or to change equipment, immediately, in cases where the existing documents and equipment conform essentially to the regulations prior to these amendments. Upon filing new plats and plans and installing new equipment, these new requirements must be observed.

§ 185.9 *Walls.* The walls of warehouse buildings or rooms must be securely and substantially constructed. If wood, corrugated iron or tin is used, the same must be applied over solid sheathing for the first 12 feet of height and over solid sheathing or sheathing spaced not greater than 12 inches from board to board for the remaining height. Where substantial sheet metal is used and the sheets are welded together in such a manner as to constitute a solid wall, sheathing, if used, may be applied in any manner desired. (Secs. 2873, 3176, I. R. C.)

§ 185.10 *Roofs.* The roofs of warehouse buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over sheathing spaced not greater than 12 inches from board to board. Where substantial sheet metal is used and the sheets are welded together in such manner as to constitute a solid roof, sheathing, if used, may be applied in any manner desired. (Secs. 2873, 3176, I. R. C.)

§ 185.28 *Construction of weighing tanks.* Weighing tanks provided for weighing distilled spirits in an internal revenue bonded warehouse shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be motinted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of weighing tank scales must indicate weight in 5-pound graduations for scales up to and including 25 tons capacity, in 10-pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity and in 20-pound graduations for scales having a capacity of

more than 60 tons. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked. (Secs. 2873, 3176, I. R. C.)

§ 185.78 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. The cardinal points of the compass must appear on each sheet, except those of elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2873, 3176, I. R. C.)

§ 185.79 *Depiction of warehouse premises.* Plats must show the outer boundaries of the warehouse premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning with respect to its distance and bearings from some near and well-known landmark must be shown. The plat must also contain an accurate depiction of the building or buildings comprising the premises and any driveway, public highway or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises on the plat should agree with the description thereof in the application, Form 27-D. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way opposite each other, the different tracts will be depicted separately by courses and distances, in feet and inches, and outlined in a color contrasting with those used for other drawings on the plat. If two or more buildings are to be used, they must be shown in their relative positions and the alphabetical designation of each indicated. If the warehouse consists of a room or floor of a building, an outline of the building, the precise location and the dimensions of the room or floor, and the means of ingress from and egress to a public street or yard, shall be shown. All first floor exterior doors of each building will be shown on the plat. Except as provided in § 185.87, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination, will be indicated on the plat. (Secs. 2873, 3176, I. R. C.)

§ 185.81 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the general dimensions of the rooms and floors and the location of all doors, windows, and other openings and how such openings are protected. If the construction of all floors in a single building is identical, a typical floor plan may be filed in lieu of a separate plan for each floor. All storage tanks, weighing tanks, and other tanks used in connection with the receipt, storage, withdrawal, or bottling of distilled spirits, must be shown in their exact location on the floor plans, and their designated use, serial numbers, and capacity indicated. Other equipment of a permanent nature and all areas occupied by racks intended for storage of packages shall be shown. Pipe lines may also be shown, if desired. (Secs. 2873, 3176, I. R. C.)

§ 185.82 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises, the deposit in storage tanks and the removal therefrom. Such diagrams shall clearly depict all equipment in its relative operating sequence and elevation by floors with all connecting pipe lines, valves, flanges, measuring devices and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment such as storage tanks and weighing tanks must be identified on these plans as to number and use. The elevational flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 185.87, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2873, 3176, I. R. C.)

§ 185.83 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building or room, showing the type of security afforded the openings. The number of stories and the height of each story will be indicated on the elevational plans. In lieu of drawings, the warehouseman may submit a photograph of each exposure of each building in a size not smaller than 7 by 9 inches. The photographs must be in sufficient detail to clearly depict the buildings from the ground to the roof and must be properly identified. Where photographs are submitted, drawings must be furnished to show the security afforded openings within 12 feet of the ground: *Provided,* That in lieu of such drawings, the photographs may be noted to show the type of security afforded the openings by reference to the appropriate sheet of plans on file, whereon such information is shown. (Secs. 2873, 3176, I. R. C.)

§ 185.88 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet signed by the proprietor, the draftsman and the district supervisor substantially in the following form:

_____
(Name of warehouseman)

_____
(Address)

Accuracy certified by:

_____
(Name and capacity—for the proprietor)

_____
(Draftsman)

_____ 19___ Sheet No.____

Approved _____
(Date)

_____
(District supervisor)

IRBW No. ____

(Secs. 2873, 3176, I. R. C.)

§ 185.89 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2873, 3176, I. R. C.)

§ 185.96 *Changes in premises.* Where the premises are to be extended or curtailed, the proprietor must file with the district supervisor an amended application, Form 27-D, and an amended plat of the premises as extended or curtailed except as herein specifically authorized in the case of alternate operations of the bottling department. If the plans are affected by the extension or curtailment, they must also be amended. The additional premises covered by an extension may not be used for bonded warehouse purposes, and the portion of the warehouse premises to be excluded by curtailment may not be used for other than warehouse purposes, prior to approval of the application, Form 27-D, plat and plans if required, filed in connection therewith. Where an internal revenue bonded warehouse contains a bottling-in-bond department, and the documents required by Regulations 6 (26 CFR, Part 188) governing the alternate operation of a bottling house as a bottling-in-bond department and a tax-paid bottling house are filed, and no change in proprietorship is involved, the filing of additional applications, Form 27-D, covering changes in the temporary status thereof from time to time, will not be required. Where a warehouse building on distillery premises on which a lien for taxes has attached under section 2800 (e), I. R. C., is demolished or altered, the provisions of Regulations 4 and 5 (26 CFR, Parts 183 and 184) relative to the filing of indemnity bonds will be followed. (Secs. 2873, 3176, I. R. C.)

§ 185.97 *Changes in construction and use.* Where a change is to be made in the construction of a room or building not involving an extension or curtailment of the warehouse premises, or where a change is to be made in the use of any portion of such premises, the proprietor shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer. The completed changes will be reflected in the next amended application, Form 27-D, and

amended plans filed by the warehouseman, unless the district supervisor requires the immediate filing of an amended application and amended plans. (Secs. 2873, 3176, I. R. C.)

§ 185.99 *Amended notice and plans covering changes in equipment.* Upon completion of changes in equipment which materially affect the accuracy of the Form 27-D or plans, the proprietor must file an amended notice and amended plans. Where an amended notice and amended plans are not filed immediately upon completion of minor changes in equipment (such as general repairs, changes in pipe lines, or the addition or removal of a tank) the proprietor must include such changes in the next amended application and plans filed by him: *Provided,* That the Commissioner or the district supervisor may at any time, in his discretion, require the immediate filing of an amended application and plans covering any change in equipment. (Secs. 2873, 3176, I. R. C.)

§ 185.231 *Rate of tax.* The law imposes a tax on distilled spirits produced in, or imported into, the United States, at the rate prescribed therein, on each proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond. (Secs. 2800 (a) 3176, I. R. C.)

(53 Stat. 298, as amended, 332, 375; 26 U. S. C. 2800 (a) 2873, 3176)

4. This Treasury decision shall be effective on the 31st day after the date of its publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 16, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10149; Filed, Nov. 19, 1948; 9:00 a. m.]

[T. D. 5668]

PART 188—BOTTLING OF DISTILLED SPIRITS (OTHER THAN ALCOHOL) IN BOND

MISCELLANEOUS AMENDMENTS

1. On August 12, 1948, notice of proposed rule making, regarding the bottling of distilled spirits in bond, was published in the FEDERAL REGISTER (13 F. R. 4677)

2. After consideration of all such relevant matter as was presented by interested persons regarding the proposal, the following amendments of §§ 188.18, 188.30, 188.31, 188.32, 188.33, 188.34, 188.54, 188.97, 188.115, 188.124, and 188.126 of Regulations 6 (26 CFR, Part 188) approved September 19, 1940, are hereby adopted.

3. These amendments are designed to provide standard graduations for beams of weighing tanks; to simplify requirements relating to the alternate operations of bottling departments of internal revenue bonded warehouses for bottling distilled spirits in bond and bottling distilled spirits after removal from bond; to provide for the bottling of different lots of distilled spirits in bond at the same time, under certain conditions; to allow warehousemen to bottle distilled spirits of any distiller's production in bond under a trade name of the warehouseman, if the warehouseman has produced and warehoused spirits in such trade name; and to facilitate the procurement of stamps. It is not the purpose of the amendments to require the installation of additional weighing tanks where such weighing tanks conform with the regulations prior to these amendments.

§ 188.18 *Weighing tanks.* Where weighing tanks are used for dumping, reducing, or bottling spirits, such tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words "Weighing tank," in addition to its designated use, serial number and capacity in wine gallons in accordance with the provisions of § 188.16 or § 188.17, as the case may be. The beams or dials of weighing tank scales must indicate weight in 5-pound graduations for scales up to and including 25 tons capacity, in 10-pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity and in 20-pound graduations for scales having a capacity of more than 60 tons. (Secs. 2829, 2903, 2904, 3176, I. R. C.)

§ 188.30 *Basic qualification required.* The bottling-in-bond department of an internal revenue bonded warehouse may be operated alternately for bottling distilled spirits in bond under the regulations in this part and bottling distilled spirits after removal from bond, in accordance with Regulations 11 (26 CFR, Part 189) The basic qualification for the establishment of each premises shall be in accordance with applicable provisions of Regulations 10 (26 CFR, Part 185) Regulations 4 and 5 (26 CFR, Parts 183 and 184) where applicable, and Regulations 11 (26 CFR, Part 189) Where it is proposed to operate an established bottling-in-bond department temporarily as a tax-paid bottling house, it will be necessary to file (a) qualifying documents curtailing the bonded premises to exclude the bottling department, (b) qualifying documents establishing the tax-paid bottling house, and (c) a blanket consent of surety, Form 1533, by the principal and surety, extending the terms of bond, Form 1571, to cover the alternate use of the bottling-in-bond department as a tax-paid bottling house. Such blanket consent may be executed in the following form:

> To continue in effect the said bond notwithstanding the exclusion of the bottling-in-bond department from time to time for use temporarily as a tax-paid bottling house in accordance with notice, Form 404, filed by the principal.

The basic qualifying documents having once been filed by the proprietor and approved by the Commissioner, the operating status of the bottling department, that is, for bottling in bond or temporarily as tax-paid bottling, shall be approved by the district supervisor on Form 404 in accordance with § 188.32. (Secs. 2871, 2904, 3170, 3176, 4041, I. R. C.)

§ 188.31 *Approval required before resumption.* When it is desired to resume operations of the bottling-in-bond department following the suspension of operations as a tax-paid bottling house, authority therefor must be obtained from the district supervisor on Form 404 before actual resumption of operations. (Secs. 2903, 2904, 3176, I. R. C.)

§ 188.32 *Procedure*—(a) *Suspension.* Where the proprietor of an internal revenue bonded warehouse desires to suspend operations of his bottling-in-bond department in order that it may be operated temporarily as a tax-paid bottling house, he must complete the bottling of all spirits and remove such bottled spirits from the bottling-in-bond department and upon suspension of the bottling-in-bond department, comply with the following requirements:

(1) *Notice, Form 404.* File with the district supervisor Form 404, "Bottling-in-Bond Notice," in triplicate, for authority to suspend bottling-in-bond operations and to use the premises temporarily as a tax-paid bottling house. The form shall be executed in accordance with the instructions printed thereon and disposed of in accordance with § 188.38.

(2) *Communicating doors to be closed.* Close and lock, and keep locked, the communicating doors (if any) between the bottling-in-bond department and the storage portion of the warehouse, in accordance with § 188.6.

(b) *Resumption.* Where the premises have been operated temporarily as a tax-paid bottling house and the proprietor desires to resume operations thereof as a bottling-in-bond department of the internal revenue bonded warehouse, he must comply with the following requirements:

(1) *Notice, Form 404.* File with the district supervisor Form 404, in triplicate, for authority to suspend tax-paid bottling house operations and resume bottling-in-bond operations. The form shall be executed in accordance with instructions printed thereon and disposed of in accordance with § 188.38.

(2) *Completion of bottling.* Complete all bottling of spirits and remove such spirits from the tax-paid bottling house prior to suspension of operations. (Secs. 2871, 2904, 3170, 3176, 4041, I. R. C.)

§ 188.33 *General.* The proprietor must bottle distilled spirits in bond under his real name or the trade name in which the warehouse is operated: *Provided,* That if the proprietor is also a distiller and has produced and warehoused spirits under a trade name, he may, under such trade name, bottle such spirits, and spirits produced by other distillers, upon compliance with the following requirements:

(a) *Permit.* The bottler must be in possession of a Federal Alcohol Administration Act basic permit authorizing the bottling and labeling of distilled spirits under the trade name.

* * * * *

§ 188.34 *Procedure applicable.* The provisions of Regulations 10 (26 CFR, Part 185) respecting action by the district supervisor and Commissioner, respectively, in connection with the establishment, and changes subsequent to establishment, of internal revenue bonded warehouses, are applicable to bottling-in-bond departments of such warehouses: *Provided,* That the district supervisor may, upon the filing of the documents required by §§ 188.30 and 188.32, authorize the change from bottling in bond to tax-paid bottling and vice versa. (Secs. 2871, 2904, 3170, 3176, 4041, I. R. C.)

§ 188.54 *Spirits in process of bottling.* Tax-paid and untax-paid spirits, or spirits bottled for export and spirits bottled for domestic purposes, may not be in the bottling-in-bond department at the same time.

(a) *Single bottling room.* Where the bottling-in-bond department consists of a single bottling room, spirits of two or more distillers, spirits of two or more seasons' or years' production, spirits produced by the same distiller in two or more trade names, or at different distilleries by the same distiller, or two or more kinds of spirits, may not be in the process of bottling in the same bottling room of the bottling-in-bond department at the same time: *Provided,* That where one lot of spirits is in the process of bottling, another lot, or lots, may be dumped and reduced and held in locked tanks until the process of bottling of the first lot has been completed. The process of bottling will be regarded as complete for the purpose of this section when the bottled spirits have been placed in the cases and the cases closed: *Provided further* That the proprietor shall not dump more spirits than can be bottled expeditiously.

(b) *Exception.* The restriction in paragraph (a) of this section against having two or more lots of different spirits in process of bottling in the same bottling room at the same time, shall not apply where two or more complete bottling units are installed, and bottling operations are so conducted as to prevent any commingling of different lots of spirits in process of bottling. (Secs. 2903, 2904, 3176, I. R. C.)

§ 188.97 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the storekeeper-gauger named on the Form 403 by registered mail or express. The expense of forwarding the stamps will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the storekeeper-gauger in accordance with § 188.96. The storekeeper-gauger will enter on Form 1606 all bottled-in-bond stamps received from the collector. All stamps in the custody of the storekeeper-gauger will be kept by him in the Government cabinet. (Secs. 2903, 2904, 3176, I. R. C.)

§ 188.115 *Supervision required.* All rebottling, relabeling, and restamping of spirits must be conducted in a bottling-in-bond department under the supervision of a storekeeper-gauger: *Provided,* That the district supervisor may authorize the relabeling or restamping of spirits in an internal revenue bonded warehouse not having a bottling-in-bond department where space and facilities for such activities are available. Spirits of two or more distillers, or spirits produced at different distilleries, or produced under two or more trade names by the same distiller, or of different seasons' or years' production or bottling, may not be reconditioned at the same time, and rebottling operations must be conducted at a time when no other spirits are in the process of bottling. (Sec. 3176, I. R. C.)

§ 188.124 *Qualification of proprietor.* Whenever the proprietor desires to bottle or label distilled spirits under a trade name, he must procure approval of such name in the manner prescribed by § 188.33 prior to bottling or labeling spirits under such name. (Secs. 2903, 2904, 3176, I. R. C.)

§ 188.126 *Bottling.* Before bottling distilled spirits in bond under an approved trade name, the proprietor will execute Form 1515, "Application to Bottle Distilled Spirits in Bond," in triplicate, in accordance with § 188.100, and show in the appropriate place on the form the name under which the spirits are to be bottled. (Secs. 2903, 2904, 3176, I. R. C.)

(53 Stat. 318, 331, 342, as amended, 343, 373, as amended, 375, 495; 26 U. S. C. 2829, 2871, 2903, 2904, 3170, 3176, 4041)

4. This Treasury decision shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

Approved: November 16, 1948.

THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10150; Filed, Nov. 19, 1948; 9:00 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

EXPIRATION OF GENERAL LICENSE AUTHORIZING BANKING INSTITUTIONS WITHIN BLOCKED ACCOUNTS OF THE PHILIPPINE ISLANDS

NOVEMBER 20, 1948.

Pursuant to § 1.34 of the Federal Register regulations (13 F. R. 5931; 1 CFR 1.34) notification is hereby given that 31 CFR 1943 Cum. Supp., § 131.79 *General License No. 79,* has expired by its own terms.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10148; Filed, Nov. 19, 1948; 9:00 a. m.]

APPENDIX C TO PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

JOINT MEMORANDUM BY COMMONWEALTH OF THE PHILIPPINES AND UNITED STATES TREASURY DEPARTMENT; NOTIFICATION OF EXPIRATION OF CODIFIED MATERIAL

NOVEMBER 20, 1948.

Pursuant to § 1.34 of the Federal Register regulations (13 F. R. 5931; 1 CFR 1.34), notification is hereby given that 31 CFR 1943 Cum. Supp., 131 Appendix C—Joint Memorandum by Commonwealth of the Philippines and United States Treasury pertaining to the release of certain Philippine securities has expired by operation of law.

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10145; Filed, Nov. 19, 1948; 9:00 a. m.]

PART 132—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

REVOCATION OF GENERAL LICENSES NOS. H-12 AND H-20

NOVEMBER 20, 1948.

Sections 132.14 *General License No. H-12* and § 132.20 *General License No. H-20,* are hereby revoked.

(Sec. 5 (b) 40 Stat. 415, 966, Sec. 2, 48 Stat. 1, Sec. 301, 55 Stat. 838; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b); E. O. 8389, April 10, 1940, as amended, E. O. 9193, July 6, 1942, as amended 3 CFR 1943 Cum. Supp.)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10147; Filed, Nov. 19, 1948; 9:00 a. m.]

APPENDIX B TO PART 132—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, BY THE GOVERNOR OF HAWAII

REVOCATION OF PUBLIC CIRCULAR NO. H-1

NOVEMBER 20, 1948.

Public Circular No. H-1 is hereby revoked.

(Sec. 5 (b) 40 Stat. 415, 966, Sec. 2, 48 Stat. 1, Sec. 301, 55 Stat. 838; 12 U. S. C. 95a, 50 U. S. C. App. Sup., 5 (b) E. O. 8389, April 10, 1940, as amended, E. O. 9193, July 6, 1942, as amended, 3 CFR 1943 Cum. Supp.)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10144; Filed, Nov. 19, 1948; 9:00 a. m.]

PART 142—GENERAL LICENSES ISSUED BY THE UNITED STATES TREASURY REPRESENTATIVE IN THE PHILIPPINE OFFICE, FOREIGN FUNDS CONTROL, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REVOCATION OF PART

NOVEMBER 20, 1948.

Part 142 is hereby revoked.

(Sec. 5 (b), 40 Stat. 415, 966, Sec. 2, 48 Stat. 1, Sec. 301, 55 Stat. 839; 12 U. S. C. 95a, 50 Stat. U. S. C. App. Sup., 5 (b), E. O. 8389, April 10, 1940, as amended, E. O. 9193, July 6, 1942, as amended; 3 CFR 1943 Cum. Supp.)

[SEAL] THOMAS J. LYNCH,
Acting Secretary of the Treasury.

[F. R. Doc. 48-10146; Filed, Nov. 19, 1948; 9:00 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

NAVIGABLE WATERS IN NEW YORK AND TRIBUTARIES

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) §§ 203.153, 203.154, 203.155, 203.160, 203.165, 203.167, 203.170, 203.173, 203.175, 203.180, 203.185, 203.190, 203.195, 203.197, and 203.205 are hereby revoked, and §§ 203.155, 203.160, 203.165, 203.170, 203.175, 203.180, 203.185, and 203.190 are substituted therefor, as follows:

§ 203.155 *Hutchinson River N. Y., bridges.* (a) The owners of or agencies controlling these drawbridges shall provide the appliances and personnel necessary for the safe, prompt, and efficient operation of the draws.

(b) The bridges shall be opened promptly at any time, day or night, when the prescribed signal is given by an approaching vessel which cannot pass under the closed draw.

(c) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels of the United States or of the City of New York, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(d) Trains, automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(e) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

§ 203.160 *Harlem River, N. Y., bridges.* (a) The drawbridges which leave a clear space, between the under sides thereof and the high water of spring tides, of 24 feet, shall not be opened except for vessels propelled by steam with or without vessels in tow: nor shall they be required to be opened at any times other than between 10:00 a. m. and 5:00 p. m.

(b) To the end that the draws of the bridges shall not be required to be opened or operated oftener than necessary between 10:00 a. m. and 5:00 p. m., the pilothouses, flagpoles, and smokestacks of all tugs propelled by steam, with or without vessels in tow, habitually using the river, shall not exceed 24 feet in height above the water line or, if exceeding that height, shall be reduced in height or hinged so that they can conveniently pass underneath the draws when closed.

(c) Any tug passing the draw of any of the bridges as often as once a day for 10 days of any month will be regarded as using the river "habitually" and shall conform to paragraph (b) of this section. A failure to comply with such requirement by any tug after one warning by the owner of or agency controlling any of the bridges shall be sufficient cause for a refusal to open the draw for the accommodation of such tug until such later time as may be convenient to the owner of or agency controlling the bridge.

(d) When a steam vessel wishes to pass a bridge within the time prescribed for opening the draw, it shall signify its intention by three blasts of the whistle. If the draw is ready to be opened, the signal shall be answered by three blasts of the whistle from the bridge; if the draw is not ready for opening, the signal shall be answered by two blasts from the bridge.

(e) The draw shall be opened with the least possible delay upon receiving the prescribed signal except when such signal is given to a railroad bridge five minutes or less before the scheduled arrival of an express passenger train. In such case the draw need not be opened until after the passage of the train unless the bridge tender has information that the train is delayed as much as five minutes.

(f) The draw of the low bridge at the mouth of Spuyten Duyvil Creek shall be opened at all times during the day and night when approached by boats desiring to pass it upon receiving the prescribed signal.

(g) Vessels owned, controlled, or employed by the United States or by the City of New York shall be passed without delay through the draw of any of the bridges at any time, day or night, after giving a signal of four blasts of the whistle.

§ 203.165 *Newton Creek, N. Y.*—(a) *City of New York highway bridge at Vernon Avenue.* The draw of this bridge shall be opened promptly, upon signal, for the passage of all vessels unable to pass under the closed bridge at any time, day or night, except on weekdays between 6:20 and 6:30 a. m., 7:20 and 7:30 a. m., 7:50 and 8:00 a. m., 8:20 and 8:30 a. m., 12:00 noon and 12:10 p. m., 12:50 and 1:00 p. m., 5:10 and 5:20 p. m., and 5:50 and 6:00 p. m.

(b) *City of New York highway bridge across East Branch at Grand Street.* The draw of this bridge shall be opened promptly, upon signal, for the passage of all vessels unable to pass under the closed bridge at any time, day or night, except between 7:30 and 8:30 a. m., 12:00 noon and 12:15 p. m., 12:45 and 1:00 p. m., and 4:30 and 5:30 p. m. on all days other than Sundays and holidays.

(c) *Signals.* Whenever a vessel unable to pass under either closed bridge approaches it, the signal of its desire for the draw to be opened shall be three blasts of a whistle or horn blown on the vessel. This signal shall be repeated at intervals until it is answered from the bridge. Upon receiving the signal from the vessel, the operator of the bridge, in case the draw can be opened immediately, shall reply by three blasts of a whistle or horn, or by three loud and distinct strokes of a bell. In case of accident to the machinery or other contingency necessitating delay in opening the draw, the signal from the vessel shall be answered by the operator of the bridge by two blasts of a whistle or horn or by two loud and distinct strokes of a bell.

§ 203.170 *Coney Island Creek, N. Y., City of New York highway and trolley bridge at Stillwell Avenue.* (a) When a vessel which cannot pass the closed bridge has signified by three blasts of a whistle or horn its intention to pass, the draw shall be opened at any time, day or night, for the passage of the vessel.

(b) After the prescribed signal is given, the draw shall be opened as soon as practicable, but in no case shall the vessel be delayed over 10 minutes at the bridge.

(c) Automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridge, but all passage over the drawspan or through the draw opening shall be such as to expedite both land and water traffic.

§ 203.175 *Jamaica Bay and connecting waterways, N. Y.*—(a) *City of New York highway bridge across Mill Basin on Belt Parkway.* On Sundays from May 15 to September 30, inclusive, and on Memorial Day, Independence Day, and Labor Day, the draw of this bridge shall not be required to open for the passage of vessels between 12:00 noon and 9:00 p. m. (e. d. s. t.) *Provided,* That during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the bridge: *Provided further,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

NOTE: For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 15 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the United States Coast and Geodetic Survey, Department of Commerce. The time stated in the tables is Eastern Standard Time and one hour should be added thereto to convert to eastern daylight saving time.

(b) *City of New York highway bridges across North Channel (Grassy Bay) at Jamaica Bay Boulevard, Shellbank Basin at Nolins Avenue, and Hawtree Basin at Nolins Avenue.* (1) On Sundays, holidays, and between 6:00 p. m. and 6:00 a. m., the draws of these bridges shall not be required to open for the passage of vessels: *Provided,* That the draws shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York when operators are present, and when operators are not required to be present the draws shall be opened for the passage of such vessels with the least possible delay upon receipt of verbal or written notice: *Provided further* That the draws shall be opened for the passage of other vessels unable to pass under a closed bridge on Sundays, holidays, or between 6:00 p. m. and 6:00 a. m., if at least 24 hours' advance notice of the time the opening is required is given, by telephone or otherwise, to the authorized representative of the owner of or agency controlling the bridge. In addition to the posting of a copy of the regulations required by paragraph (h) of this section, a notice shall be conspicuously posted on both the upstream and downstream sides of these bridges in such manner that it can be easily read at any time stating exactly how the authorized representative may be reached.

(2) When two or more vessels are approaching from opposite directions and intend to pass a bridge, each vessel shall signal for the opening of the draw as prescribed in paragraph (f) of this section. The vessel running with the current shall have the right of way. At slack tide the vessel running in ebb current direction shall have the right of way. When vessels are approaching the bridge from the same direction each vessel shall signal independently for the opening of the draw and shall be navigated in accordance with the applicable pilot rules.

(c) *Long Island Railroad bridge across Broad Channel at Broad Channel Station.* The draw of this bridge shall not be required to open for the passage of vessels between 7:00 and 9:00 a. m. and 5:00 and 7:00 p. m.

(d) *City of New York highway bridge across Beach Channel at Jamaica Bay Boulevard.* On Sundays and holidays from May 15 to September 15, inclusive, the draw of this bridge shall not be required to open for the passage of vessels between 12:00 noon and 9:00 p. m.. *Provided,* That during the period from two hours before to one hour after the time of predicted high tide for the locality the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the bridge: *Provided further,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States or by the City of New York.

NOTE: For the purpose of the regulations in this part, high tide at the bridge shall be deemed to occur 35 minutes later than the time of high tide for Sandy Hook as given in the tide tables for the United States, published by the United States Coast and Geodetic Survey, Department of Commerce.

(e) The owners of or agencies controlling the bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws. Except as otherwise provided in paragraphs (a) to (d) of this section, the draws shall be opened promptly when the prescribed signal for the opening of a draw is received from an approaching vessel which cannot pass under the closed bridge.

(f) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels of the United States or of the City of New York, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator* — (i) *Sound signals.* Draw to be opened immediately: Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately: Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately: A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately: A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(g) Trains, automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(h) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

§ 203.180 *Long Island Intracoastal Waterway; Nassau County highway bridges across Reynolds Channel at Long Beach and Atlantic Beach, N. Y.* (a) The owner of or agency controlling these bridges shall provide the appliances and the personnel necessary for the safe, prompt, and efficient operation of the draws.

(b) Except as provided in paragraph (c) of this section, the draws shall be opened promptly when the prescribed signal for the opening of the draw is received from an approaching vessel which cannot pass under the closed draw.

(c) (1) *Atlantic Beach Bridge.* From May 15 to September 30, inclusive, of each year, on Saturdays and Sundays and on Memorial Day, Independence Day, and Labor Day between 11:00 a. m. and 9:00 p. m., and on weekdays between 4:00 p. m. and 7:00 p. m., openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour: *Provided,* That during the period from two hours before to one hour after the time of predicted high tide the bridge shall be opened promptly upon proper signal for the passage of vessels unable to pass under the closed draw: *Provided further,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States. The time specified is eastern daylight saving time or eastern standard time, whichever is in force.

NOTE: For the purpose of the regulations in this part, predicted high tide shall be deemed to occur ten minutes earlier than the time of predicted high tide for Sandy Hook as given in the tide tables for the United States published by the United States Coast and Geodetic Survey, Department of Commerce. The time stated in the tables is eastern standard time, and one hour should be added to convert to eastern daylight saving time.

(2) *Long Beach Bridge.* From May 15 to September 30, inclusive, of each

year, on Saturdays and Sundays and on Memorial Day, Independence Day, and Labor Day between 3:01 p. m. and 7:59 p. m., openings of the draw will be made, only if necessary, every half-hour on the hour and on the half-hour. *Provided,* That the draw shall be opened promptly at any time for the passage of vessels owned, controlled, or employed by the United States. The time specified is eastern daylight saving time or eastern standard time, whichever is in force.

(d) *Signals*—(1) *Call signals for opening of draw*—(i) *Sound signals.* By vessels owned, controlled, or employed by the United States, four distinct blasts of a whistle, horn, or megaphone, or four loud and distinct strokes of a bell, and by all other vessels, three distinct blasts of a whistle, horn, or megaphone, or three loud and distinct strokes of a bell, sounded within reasonable hearing distance of the bridge.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. A white flag by day, a white light by night, swung in full circles at arm's length in full sight of the bridge and facing the draw.

(2) *Acknowledging signals by the bridge operator*—(i) *Sound signals.* Draw to be opened immediately. Same as call signal. Draw cannot be opened immediately or, if open, must be closed immediately. Two long distinct blasts of a whistle, horn, or megaphone, or two loud and distinct strokes of a bell, to be repeated at regular intervals until acknowledged by the vessel.

(ii) *Visual signals.* To be used in conjunction with sound signals when conditions are such that sound signals may not be heard. Draw to be opened immediately. A white flag by day, a green light by night, swung up and down vertically a number of times in full sight of the vessel. Draw cannot be opened immediately or, if open, must be closed immediately. A red flag by day, a red light by night, swung to and fro horizontally in full sight of the vessel, to be repeated until acknowledged by the vessel.

(3) *Acknowledging signals by the vessel.* Vessels having signaled for the opening of the draw and having received a signal that the draw cannot be opened immediately or, if open, must be closed immediately, shall acknowledge such signal by one long blast followed by one short blast, or by swinging to and fro horizontally a red flag by day or a red light by night.

(e) Automobiles, trucks, other vehicles, and vessels shall not be stopped or operated in such manner as to hinder or delay the operation of the bridges, but all passage over drawspans or through draw openings shall be such as to expedite both land and water traffic.

(f) The owner of or agency controlling the bridges shall provide and keep in good legible condition on each bridge two board gauges painted white, with black figures not less than eight inches high, to indicate the minimum headroom clearance under the closed drawspan at all stages of the tide. The gauges shall be so placed on each bridge that they will be plainly visible to the operator of a vessel approaching the bridge either upstream or downstream.

(g) The bridges shall not be required to open for craft carrying appurtenances unessential for navigation which extend above the normal superstructure. Military masts shall be considered as part of the normal superstructure.

NOTE: Upon request, the District Engineer, Corps of Engineers, will cause inspection to be made of the superstructure and appurtenances of any craft habitually frequenting the waterway with a view to adjusting any differences of opinion in this matter between the vessel owner and the bridge owner.

(h) A copy of the regulations in this section shall be conspicuously posted on both the upstream and downstream sides of each bridge in such manner that it can be easily read at any time.

§ 203.185 *Hudson River N. Y., bridges at Albany and Troy.* (a) The draw of each of the bridges below the head of tidewater shall be opened promptly at any time, upon receiving the prescribed signal, for the passage of any vessel which cannot pass under the closed draw. *Provided,* That The Delaware & Hudson Railroad Corporation bridge at Troy need not be opened between 6:00 p. m. and 6:00 a. m. unless notice has been given before 6:00 p. m. of the time a vessel may be expected to pass through.

(b) The draw of any bridge shall not be required to remain open for the passage of vessels for a period longer, consecutively, than 15 minutes. Upon being closed it may remain closed for a time sufficient to allow delayed land traffic to pass, but in no case for a period longer, consecutively, than 10 minutes if a vessel desires to pass, unless at the expiration of such period a train in motion having passed the derailing point is approaching the draw, which train shall be permitted to pass before opening of the draw. *Provided,* That no train shall be stopped on the bridge between the derailing points except in a case of great emergency, after which the draw shall be opened promptly for any vessel desiring to pass: *Provided further* That these limitations shall not apply to any vessel of more than 500 tons burden, to any tug with a tow on a hawser, to single tows which require longer than 15 minutes to pass through the draw, or to vessels downbound during a freshet whose height exceeds an elevation determined upon by the District Engineer, Corps of Engineers.

(c) The length of time that a draw has been opened shall be computed from the time that the drawspan begins to move in opening, and the length of time that a draw has been closed shall be computed from the time that the drawspan ceases to move in closing.

(d) Vessels with tows shall not so approach a bridge as to attempt to pass the draw in succession without interval. They shall arrange their approach so as to cause no delay in closing the draw promptly for the relief of land traffic.

(e) The draw of a bridge shall not be required to be opened for the passage of vessels habitually using the river which have stacks, jack staffs, or flagstaffs exceeding 21 feet in height above the water line and which are otherwise capable of clearing the bridge when closed. If such vessels wish to pass the bridge the stacks, jack staffs, or flagstaffs must be so erected that they may be lowered to permit the passage under the bridge. Any tug or vessel passing the draw of a bridge as often as once a day for 10 consecutive days of any month shall be regarded as using the river habitually within the meaning of this paragraph. A failure to comply with such requirement by any tug or vessel after one warning by the owner of or agency controlling any of the bridges shall be sufficient cause for a refusal to open the draw for the accommodation of such tug or vessel until such later time as may be convenient to the owner of or agency controlling the bridge.

(f) Vessels which are owned or controlled by the United States or by the police or fire departments of any of the neighboring cities or villages shall be passed without delay through the draws of any of the bridges on identification of such vessels.

(g) *Signals*—(1) *Call signals for opening of draw.* By vessels bound north: Three long blasts of the whistle or horn. By vessels bound south: Three long blasts followed by one short blast of the whistle or horn. If a vessel desires to pass through more than one bridge the call signal shall be repeated for each bridge. Private signals of towing or steamboat companies which may be mistaken by a bridge tender for call signals shall not be used.

NOTE: As used in the regulations in this part, the term "long blast" means a blast of five seconds' duration, and the term "short blast" means a blast of one second's duration.

(2) *Acknowledging signals by the bridge operator*—(i) *All bridges.* If the draw is to be opened, three long blasts of a whistle or horn. If the draw cannot be opened in time for the vessel to pass through safely, five short blasts of a whistle or horn.

(ii) *Additional visible signals to be displayed by the bridges at Albany.* The day signal shall be displayed at least 15 feet above the fixed day signal at the middle point of the drawspan and so as to be visible from both sides of the bridge. The night signal shall be displayed at least 15 feet above the fixed light at the center of the draw. The "fixed" signals referred to are those required by the regulations for lighting bridges prescribed by the United States Coast Guard (see 33 CFR, Part 403) By day, if the draw is to be opened, the visible signal shall be a round ball not less than three feet in diameter and painted green, and if the draw is not to be opened, the visible signal shall be a lattice-work barrel-shaped sign five feet six inches high and four feet in diameter and painted red. By night, if the draw is to be opened, the visible signal shall be a green light from a standard marine lamp, and if the draw is not to be opened, the visible signal shall be a red light from a standard marine lamp.

§ 203.190 *Navigable waters in the State of New York and their tributaries; bridges where constant attendance of draw tenders is not required.* (a) The owners of or agencies controlling the

bridges listed in paragraph (f) of this section will not be required to keep draw tenders in constant attendance.

(b) Whenever a vessel unable to pass under a closed bridge desires to pass through the draw, advance notice, as specified, of the time the opening is required shall be given to the authorized representative of the owner of or agency controlling the bridge.

(c) Upon receipt of such advance notice, the authorized representative of the owner of or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owners of or agencies controlling the bridges shall keep conspicuously posted on both the upstream and downstream sides thereof, in such manner that it can easily be read at any time, a copy of the regulations in this section together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draws shall be maintained in a serviceable condition, and the draws shall be opened and closed at intervals frequent enough to make certain that the machinery is in proper order for satisfactory operation.

(f) The bridges to which this section applies, and the regulations applicable in each case, are as follows:

Arm of Eastchester Bay; City of New York highway bridge between Rodman Neck and City Island. At least 24 hours' advance notice required.

Bronx River; New York, New Haven and Hartford Railroad Company bridge north of Westchester Avenue. At least 24 hours' advance notice required.

Flushing Creek; City of New York highway and rapid transit bridge at Roosevelt Avenue. At least 24 hours' advance notice required: *Provided,* That the draw shall be opened for the passage of vessels owned, controlled, or employed by the United States or by the City of New York at any time, day or night, upon reasonable advance notice. The draw need not be opened for the passage of vessels, other than vessels owned, controlled, or employed by the United States or by the City of New York, between 7:30 a. m. and 9:30 a. m. and between 4:30 p. m. and 6:30 p. m., or for the passage of tug boats, with or without vessels in tow, habitually passing the bridge, which exceed 24 feet in height above the water line, at any time. Any tug passing the bridge once a day for 10 days in any 30-day period will be regarded as habitually passing the bridge. Failure to conform to the height specified by any tug after one warning in writing by the owner of or agency controlling the bridge shall be sufficient cause for refusal to open the draw for the passage of such tug until such time as may be convenient to the owner of or agency controlling the bridge.

Richmond Creek; City of New York highway bridge at Richmond Avenue, Staten Island. At least 24 hours' advance notice required.

Peekskill (Annsville) Creek; New York Central Railroad Company bridge near Peekskill, N. Y. At least 30 days' advance notice, in writing, required. Openings will not be required on Saturdays, Sundays, and holidays, consisting of New Year's Day, Lincoln's Birthday, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Election Day, Armistice Day, Thanksgiving Day, and Christmas Day, or on the days preceding and following such holidays. Openings will be between 11:00 a. m. and 2:00 p. m. except that for vessels owned, controlled, or employed by the United States, by the State of New York, or by any political subdivision thereof, the bridge shall be opened at any time, day or night, upon 96 hours' advance notice. Openings shall not be required more than twice in any 30-day period for a vessel that can pass under the bridge at low tide or the construction of which can be altered at reasonable expense so that it can pass under the bridge at low tide; unless the vessel is owned, controlled, or employed by the United States, by the State of New York, or by political subdivision thereof.

Lake Champlain; Vermont Department of Highways bridge across Alburg Passage, between Alburg Tongue and North Hero Island, at South Alburg, Vt. At least one hour's advance notice required.

Lake Champlain; Vermont Department of Highways bridge across entrance to Missisquoi Bay, between Alburg Tongue and Hog Island, at East Alburg, Vt. At least 24 hours' advance notice required.

[Regs. Oct. 28, 1948, 823.01—ENGWR]
(28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-10142; Filed, Nov. 19, 1948; 8:49 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—Public Health Service, Federal Security Agency

PART 72—INTERSTATE QUARANTINE

GARBAGE DISPOSAL AND RAILWAY CONVEYANCES; FOOD HANDLING FACILITIES

Notice of proposed rule making and public rule-making proceedings have been omitted in the issuance of the following amendments to §§ 72.142 and 72.151 of this Part. Notice and rule making proceedings have been found to be unnecessary because the sole purpose of the amendments is to remove restrictions and eliminate requirements now in effect.

1. Section 72.142 is amended to read as follows:

§ 72.142 *Garbage disposal.* (a) Water-tight, readily cleanable, non-absorbent containers with close-fitting covers shall be used to receive and store garbage.

(b) Can washing and draining facilities shall be provided.

(c) Garbage cans shall be emptied daily and shall be thoroughly washed before being returned for use.

2. Section 72.151 is amended to read as follows:

§ 72.151 *Railway conveyances; food handling facilities.* (a) Both kitchens and pantries of cars hereafter constructed or reconstruted shall be equipped with double sinks, one of which shall be of sufficient size and depth to permit complete immersion of a basket of dishes during bactericidal treatment; in the pantry a dishwashing machine may be substituted for the double sinks. If chemicals are used for bactericidal treatment, 3-compartment sinks shall be provided.

(b) A sink shall be provided for washing and handling cracked ice used in food or drink and shall be used for no other purpose.

(c) Toilet and lavatory facilities for the exclusive use of the dining car employees shall be provided on each train.

(d) Wherever toilet and lavatory facilities required by paragraph (c) of this section are not on the dining car, a lavatory shall be provided on the dining car for the use of the employees. The lavatory shall be conveniently located and used only for the purpose for which it is installed.

(Sec. 361, 58 Stat. 703; 42 U. S. C. 264)

Effective date. The foregoing amendments shall become effective on the date of their publication in the FEDERAL REGISTER.

[SEAL] LEONARD A. SCHEELE,
Surgeon General.

Approved: November 15, 1948.

J. DONALD KINGSLEY,
Acting Federal Security Administrator.

[F. R. Doc. 48-10140; Filed, Nov. 19, 1948; 8:49 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Subtitle A—Office of the Secretary of the Interior

PART 5—FILMING OF MOTION OR SOUND PICTURES ON AREAS UNDER THE JURISDICTION OF THE DEPARTMENT OF THE INTERIOR

FEES

Section 5.4 is amended to read as follows:

§ 5.4 *Fees.* In the areas described in § 5.3, there shall be charges for the taking of motion pictures (including sound pictures) involving professional casts, technical crews, livestock, or sets, as follows:

(a) *On areas administered by the Bureau of Reclamation, the Fish and Wildlife Service, and the Bureau of Land Management.* (1) For filming operations not involving the use of livestock, the charge shall be in accordance with the following schedule:

Charge per day or fraction thereof:	*Number of persons in cast*
$10	0
$10	1 to 5
$25	6 to 25
$50	26 to 75
$75	76 to 150
$100	More than 150

The charge prescribed in this subparagraph shall be made only for days or fractions thereof on which there are actual filming operations. The construction of sets in advance of filming, and cleaning up after the filming has been completed, shall not be regarded as actual filming operations for the purpose of such computation.

(2) In addition to the charge prescribed in subparagraph (1) of this paragraph, there shall be a charge of 25 cents

per day per head for all horses, mules, cattle, sheep, and goats while on the land.

(b) *On areas administered by the National Park Service.* No fee will be imposed for filming operations, provided the permittee gives credit in an appropriate courtesy title to the National Park Service, Department of the Interior, and to the area in which the scenes are photographed, for any photographed scenes used. The regular general admission and other fees for each person, vehicle, etc., to any area administered by the National Park Service are not affected by this paragraph. R. S. 161, 453, 463, 2478; sec. 10, 32 Stat. 390; sec. 3, 39 Stat. 535; sec. 10, 45 Stat. 1224; sec. 2, 48 Stat. 1270; 5 U. S. C. 22; 43 U. S. C. 2; 25 U. S. C. 2; 43 U. S. C. 1201, 373; 16 U. S. C. 3, 7151, 43 U. S. C. 315a.

Issued this 15th day of November 1948.

C. GIRARD DAVIDSON,
Assistant Secretary of the Interior.

[F. R. Doc. 48-10133; Filed, Nov. 19, 1948; 8:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter III—Inland Waterways Corporation

CODIFICATION DISCONTINUED

In order to conform Title 49 to the scope and style of the Code of Federal Regulations, 1949 Edition, authorized and directed by Executive Order 9930 of February 4, 1948 (13 F R. 519) the codification of Chapter III of that title is hereby discontinued. Future amendments of the material contained in this chapter will be published in the Notices section of the FEDERAL REGISTER.

[SEAL] SOUTH TRIMBLE, Jr.,
Chairman, Advisory Board, Inland Waterways Corporation.

Approved:

CHARLES SAWYER,
Secretary of Commerce.

[F. R. Doc. 48-10139; Filed, Nov. 19, 1948; 8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Bureau of Animal Industry

[9 CFR, Parts 101–122]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, AND TO CERTAIN ORGANISMS AND VECTORS

NOTICE OF PROPOSED REVISION OF REGULATIONS

Notice is hereby given, in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Secretary of Agriculture is considering revising the regulations relating to viruses, serums, toxins, and analogous products and certain organisms and vectors (9 CFR, Cum., 1945, and 1947 Supps. Parts 101 through 122) under the Virus-Serum-Toxin Act of March 4, 1913 (21 U. S. C. 151–158) and section 2 of the act of February 2, 1903, as amended (21 U. S. C. 111) The purpose of the revision is to clarify, to extend in a few particulars, and to consolidate into one document the present regulations and instructions issued under the Virus-Serum-Toxin Act and section 2 of the act of February 2, 1903. The new regulations will reflect practices that have developed through experience in dealing with problems of production and importation of viruses, serums, toxins and analogous products and importation and transportation of organisms and vectors, during the formative period of the industry. It is proposed to issue the new regulations to read as follows:

Subchapter E—Viruses, Serums, Toxins, and Analogous Products; Organisms and Vectors

PART 101—GENERAL PROVISIONS

§ 101.1 *Definitions.* The following words, when used in the regulations in Parts 101 through 122 of this subchapter, shall be construed, respectively, to mean:

(a) *Virus-Serum-Toxin Act.* The act of Congress of March 4, 1913, 37 Stat. 832–833, 21 U. S. C. 151–158.

(b) *Regulations.* The provisions in Parts 101 through 122 of this subchapter.

(c) *Biological products.* All viruses, serums, toxins, and analogous products, such as antitoxins, vaccines, tuberculins, mallein, live microorganisms, killed microorganisms, and products of microorganisms, intended for use in the treatment of domestic animals, including the diagnosis or detection of diseases of such animals.

(d) *Organisms.* All cultures or collections of organisms or their derivatives, which may introduce or disseminate any contagious or infectious disease of animals (including poultry)

(e) *Vectors.* All animals (including poultry) such as mice, pigeons, guinea pigs, rats, ferrets, rabbits, chickens, dogs, and the like, which have been treated or inoculated with organisms, or which are diseased or infected with any contagious, infectious, or communicable disease of animals or poultry or which have been exposed to any such disease.

(f) *Domestic animals.* Domestic animals, including poultry.

(g) *Department.* The United States Department of Agriculture.

(h) *Secretary.* The Secretary of the Department or any officer or employee of the Department to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(i) *Bureau.* The Bureau of Animal Industry of the Department.

(j) *Chief.* The Chief of the Bureau or any officer or employee of the Bureau to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(k) *Division.* The Virus-Serum Control Division of the Bureau.

(l) *Officer in charge of the Division.* The official in charge of the Division or any officer or employee of the Division to whom authority has heretofore lawfully been delegated, or may hereafter lawfully be delegated, to act in his stead.

(m) *Inspector* Any officer or employee of the Bureau who is authorized by the Chief to do any inspection work of the Division.

(n) *Veterinary inspector.* A graduate of a veterinary college accredited by the Civil Service Commission, who is duly appointed and assigned for duty in the Division as a veterinary virus-serum inspector or veterinarian.

(o) *Virus-serum inspector* A layman appointed and trained to assist a veterinary inspector in the performance of his duties.

(p) *Person.* Any individual, firm, partnership, corporation, company, society, association, or other organized group of any of the foregoing, or any agent, officer, or employee of any thereof.

(q) *Licensed establishment.* An establishment operated by a person holding an unexpired, unsuspended, and unrevoked license issued by the Secretary for the preparation of any biological product under the regulations.

(r) *Licensee.* A person to whom a license to manufacture biological products has been issued under the regulations.

(s) *Permittee.* A person to whom a permit to import or transport biological products or organisms or vectors has been issued under the regulations.

(t) *Official station.* One or more licensed establishments included under a single supervisory unit.

(u) *Inspector in charge.* The veterinary inspector who is assigned by the Chief to supervise and perform official work at an official station and who reports directly to the Chief.

(v) *Veterinary inspection.* An examination made by a veterinary inspector, assisted as needed by a virus-serum inspector, to determine the fitness of animals, establishments, facilities, and procedures used in connection with the preparation of biological products under the regulations.

(w) *Hog-cholera virus.* The clear serum, plasma, or defibrinated blood derived from pigs sick of hog cholera and free from other communicable disease or diseases.

(x) *Hyperimmunizing virus.* Virus prepared for injecting into immune hogs in the production of anti-hog-cholera serum.

(y) *Inoculating virus.* Virus prepared for injecting into pigs in the production of hog-cholera virus.

(z) *Simultaneous virus.* Virus prepared for injection along with anti-hog-cholera serum in the immunization of hogs against hog cholera.

(aa) *Anti-hog-cholera serum.* The clear serum, plasma, or other derivatives of hyperimmune blood containing the protective substances derived from immune hogs which have been hyperimmunized by intravenous injection with hog-cholera virus. Such serum shall consist of not less than 88 percent of true serum and not more than 12 percent of such solutions as are required for clarification of the blood and preservation of the serum. The completed product shall represent not more than 83 percent of the defibrinated hyperimmune blood or not more than 80.51 percent of the whole hyperimmune blood used in its preparation.

(bb) *Immediate or true container.* The unit, bottle, vial, ampul, tube, or other receptacle in which any biological product is customarily distributed.

(cc) *Batch.* The quantity of a biological product thoroughly mixed in a single container and properly identified. (For special definition of "batch" as used in § 119.23, see § 119.23 (a) (10) of this chapter.)

(dd) *Serial number.* The number given each batch of a biological product by the manufacturer to identify the batch with his records of production thereof.

(ee) *Expiration date.* The date placed upon labels affixed to or used in connection with immediate or true containers of biological products by manufacturers thereof to indicate the limit of time during which the manufacturer estimates said products will retain their full strength or potency, when properly stored and handled.

(ff) *"U. S. Released."* Term used in marking a biological product to show that it has been prepared and tested in accordance with the regulations and has been found not to be worthless, contaminated, dangerous, or harmful.

(gg) *Day.* Time elapsing between any regular working hour of one day and any regular working hour of the following day.

(hh) "Bureau lock." A Bureau lock or seal or both as the inspector in charge may require.

See also other definitions in § 119.23 of this chapter.

PART 102—LICENSES AND PERMITS TO IMPORT BIOLOGICAL PRODUCTS

LICENSES

IMPORT PERMITS FOR BIOLOGICAL PRODUCTS

SUSPENSION OR REVOCATION OF LICENSES AND PERMITS; NOTICES RE DANGEROUS PRODUCTS

ASSIGNMENT OF INSPECTORS AND FACILITIES

LICENSES

§ 102.1 *Licenses required.* Every person operating an establishment in the United States in which any biological product is prepared for sale, barter, or exchange in the District of Columbia or in any Territory of, or place under the jurisdiction of, the United States, or for shipment or delivery for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, shall hold an unexpired, unsuspended, and unrevoked license issued by the Secretary, and shall have inspection as provided by the regulations.

§ 102.2 *Biological products; preparing and handling.* All biological products produced in each licensed establishment shall be prepared, handled, stored, marked, received for transportation, and transported as required by the regulations.

§ 102.3 *License application.* (a) The operator of each establishment of the kind specified in § 102.1 shall make application in writing to the Secretary for a license. When a person conducts more than one establishment, a separate application shall be made for a license for each establishment. Whenever subsidiaries are to operate in an establishment for which license application is made, the applicant shall apply for permission for such subsidiaries to operate in the establishment and furnish therewith a complete statement regarding the relationship between the applicant and the subsidiaries. Blank forms of application will be furnished upon request to the Bureau of Animal Industry, Washington, D. C.

(b) Triplicate copies of plans, properly drawn to scale, and of specifications, including plumbing, drainage, and sewage disposal of establishments, together with information regarding all claims to be made on labels and in advertising matter to be used in connection with or relating to all biological products prepared therein, shall accompany the application for a license, unless such plans, specifications, and information have already been furnished.

(c) In case of change of ownership, operation, or location of an establishment while an application is pending, or after a license has been issued, a new application shall be made.

§ 102.4 *Licenses; issuance, number, and form.* (a) Before a license will be issued by the Secretary for any establishment, an inspection shall be made to determine whether the condition, equipment, facilities, and the like, of the establishment, and its methods of preparing, handling, and storing biological products are in conformity with the requirements of the regulations. A license will not be issued unless (1) in the opinion of the Chief, the condition of the establishment and the methods of preparation of biological products are such as reasonably to insure that the products will accomplish the object for which they are intended, and that they are not worthless, contaminated, dangerous, or harmful, (2) the establishment is to be operated under the direct supervision of a person competent, in the opinion of the Chief, by education and experience, to handle all matters pertaining to the disease involved and the preparation and testing of the biological products named in the application, and (3) written assurance is filed with the Bureau that the products for which the license is to be issued will not be so advertised as to mislead or deceive the purchaser and that the packages or containers in which the same are to be marketed will not bear any statement, design, or device which is false or misleading in any particular.

(b) Licenses shall be numbered and shall be in the following form:

UNITED STATES VETERINARY LICENSE NO. _____

BIOLOGICAL PRODUCTS

Washington, D. C., _____

This is to certify that, pursuant to the terms of the act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, _____ is hereby licensed to maintain at _____ an establishment for the preparation of _____.

This license is subject to termination as provided in the regulations made under the authority contained in said act, and to suspension or revocation if the licensee violates or fails to comply with said act or the regulations made thereunder.

_____
Secretary of Agriculture

Countersigned:

_____
Chief, Bureau of Animal Industry

(c) Two or more licenses may bear the same number when they are issued for establishments under the same ownership or control, provided a serial letter is added in each case to identify each license and the products produced thereunder.

(d) When a license is issued for an establishment it shall not apply to more than one person at the same location, except that subsidiaries of the licensee, when named in the license, may operate thereunder at the establishment named. The licensee with its subsidiaries will be held responsible for all operations conducted in the licensed establishment.

(e) As of November 1 of each year or whenever requested by the Chief, each licensee shall submit, through the office of the inspector in charge, a list of biological products with all their forms which are to be continued in production. Should the licensee discontinue production of some of the biological products named in his licenses, he shall return to the Division for termination all outstanding licenses covering such products, with a list of products with all their forms

which he will continue to produce. Whenever a number of licenses issued at different times are outstanding they shall be returned to the Chief at his request for consolidation.

(f) Every license outstanding on the effective date of the regulations which is in conflict therewith shall be returned for termination, with an application for a new license.

§ 102.5 *Biological products; preparation by another licensee.* No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by any other licensed establishment unless authorized in advance by the Chief.

§ 102.6 *Separation of establishments.* Each licensed establishment shall be separate and distinct from any unlicensed establishment in which any biological product is prepared or handled.

§ 102.7 *Special licenses.* Special licenses may be issued in particular cases for preparation of biological products for experimental or trial use in the treatment of domestic animals, under such conditions as may be imposed by the Chief and provided that safeguards ample in the opinion of the Chief are set up to protect the public and the livestock industry. Applicants for such licenses shall furnish all information required by the regulations and shall also agree to distribute the product only for such conditional, experimental, or trial use as may be authorized in the license.

§ 102.8 *Instructions to licensee; products not prepared under license.* When a license is issued, the inspector in charge shall furnish the licensee with a copy of the regulations. If the licensee, at the time the license is issued, has in the establishment any biological products which have not theretofore been prepared, and the containers of which have not theretofore been marked, in compliance with the regulations, the identity of the products shall be maintained, and they shall not be shipped or delivered for shipment from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia, or otherwise dealt with as products prepared under the regulations. The licensee shall adopt and enforce all necessary measures and shall comply with all such directions as the Chief may prescribe for carrying out the regulations. It shall be the responsibility of the licensee, irrespective of Bureau supervision, so to prepare and test such biological product, as set forth in the regulations, that it will not be worthless, contaminated, dangerous, or harmful.

IMPORT PERMITS FOR BIOLOGICAL PRODUCTS

§ 102.26 *Import permits required.* Each person importing biological products shall hold an unexpired, unsuspended, and unrevoked permit issued by the Secretary.

§ 102.27 *Application for import permit; requirements.* (a) Each person desiring to import biological products shall make application in writing to the Secretary for a permit. The application shall specify the port or ports of entry at which the imported products will be cleared through the customs. Blank forms of application will be furnished upon request addressed to the Bureau of Animal Industry, Washington, D. C.

(b) Each application for a permit shall be accompanied by the affidavit of the actual manufacturer presented before an American consular officer, giving the name of the country, and the city, town or other location, where the biological products named therein are prepared, stating that said products are not worthless, contaminated, dangerous, or harmful, and stating whether the products were derived from animals, and, if so derived, the name of the species, and that such animals have not been exposed to any infectious or contagious disease, except as may have been essential in the preparation of the products and as specified in the affidavit.

(c) Each application for a permit shall be accompanied by the written consent of the actual manufacturer that properly accredited employees of the Department shall have the privilege of inspecting, without previous notification, and at such times as may be demanded by the aforesaid employees, all parts of the establishment at which such biological products were prepared, all processes of preparation, and all records relative to the preparation of such products.

(d) Each application for a permit shall be accompanied by information regarding all claims to be made on labels and in advertising matter used in connection with or related to the biological products to be imported, and a description of the methods of producing and testing the products used by the manufacturer. A permit will not be issued for the importation of any biological product unless written assurance is furnished that the product will not be so advertised as to mislead or deceive the purchaser, and that the package or container in which the same is intended to be sold, bartered, exchanged, shipped, or imported will bear or contain no statement, design, or device which is false or misleading in any particular, and unless the product meets the applicable requirements of the regulations in Part 112 of this chapter.

§ 102.28 *Import permits; number form, and termination.* Permits shall be numbered and shall be in the following form:

UNITED STATES VETERINARY PERMIT NO. _____

BIOLOGICAL PRODUCTS

Washington, D. C., _____

This is to certify that, pursuant to the terms of the act of Congress approved March 4, 1913 (37 Stat. 832), governing the preparation, sale, barter, exchange, shipment, and importation of viruses, serums, toxins, and analogous products intended for use in the treatment of domestic animals, _____ _____, State of _____, is hereby authorized, so far as the jurisdiction of the United States Department of Agriculture is concerned, to import _____ manufactured by _____, of _____, into the United States through the port of _____ during the calendar year of _____.

This permit is subject to suspension or revocation if the permittee violates or fails to comply with said act or the regulations made thereunder.

_____
Secretary of Agriculture

Countersigned:

_____
Chief, Bureau of Animal Industry

Each permit shall terminate at the end of the calendar year for which it is issued.

SUSPENSION OR REVOCATION OF LICENSES AND PERMITS, AND NOTICES RE DANGEROUS PRODUCTS

§ 102.51 *Suspension or revocation.* (a) A license or permit issued under the Virus-Serum-Toxin Act may be formally suspended or revoked after opportunity for hearing has been accorded the licensee or permittee as provided in Part 123 of this chapter, if the Secretary is satisfied that the license or permit is being used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation contrary to said act of any worthless, contaminated, dangerous, or harmful biological product. Such use may be found to exist if:

(1) The construction of the establishment in which the biological product is prepared is defective, or the establishment is not conducted as required by the regulations;

(2) The methods of preparation of the product are faulty, or the product contains impurities or lacks potency;

(3) The product is so labeled or advertised as to mislead or deceive the purchaser in any particular;

(4) The licensee or permittee has violated or failed to comply with any provision of the Virus-Serum-Toxin Act or the regulations;

(5) The license or permit is otherwise used to facilitate or effect the preparation, sale, barter, exchange, shipment, or importation, contrary to the Virus-Serum-Toxin Act, of any worthless, contaminated, dangerous, or harmful biological product.

(b) In case of wilfulness or where the public health, interest, or safety so requires, however, the Secretary may without hearing informally suspend such license or permit upon the grounds set forth in paragraph (a) of this section pending determination of formal proceedings under Part 123 of this chapter for suspension or revocation of the license or permit.

§ 102.52 *Notices re dangerous biological products.* If at any time it appears that the preparation, sale, barter, exchange, shipment, or importation, as provided in the Virus-Serum-Toxin Act, of any biological product by any person holding a license or permit may be dangerous in the treatment of domestic animals, the Secretary may without hearing notify the licensee or permittee, and pending determination of formal proceedings instituted under Part 123 of this chapter for suspension or revocation of the license or permit insofar as it authorizes the manufacture or importation of the particular product, no person so notified shall thereafter so prepare, sell, barter,

exchange, ship, deliver for shipment, or import such product.

ASSIGNMENT OF INSPECTORS AND FACILITIES

§ 102.76 *Inspections of licensed establishments.* (a) Any inspector shall be permitted to enter any establishment licensed under the regulations at any hour during the day or night, and such inspector shall be permitted to inspect, without previous notification, the entire premises of the establishment, including all buildings, compartments, and other places, all biological products, and organisms and vectors in the establishment, and all equipment, such as chemicals, instruments, apparatus, and the like, and the methods used in the manufacture of, and all records maintained relative to, biological products at such establishment.

(b) Each inspector will be furnished with a numbered official badge, which he shall not allow to leave his possession. This badge shall be sufficient identification to entitle him to admittance at all regular entrances and to all parts of the licensed establishment and premises and to any place at any time for the purpose of making an inspection pursuant to paragraph (a) of this section.

§ 102.77 *Facilities.* When required by the Chief or the Inspector in charge, the following facilities, and such others as may be essential to efficient conduct of inspection, shall be provided in each licensed establishment.

(a) Satisfactory pens, equipment, and assistance for conducting tests required in accordance with the regulations in this subchapter;

(b) The following special facilities in establishments producing anti-hog-cholera serum and hog-cholera virus:

(1) Separate laboratory rooms for serum and virus,

(2) A separate room in which animals shall be washed and cleaned,

(3) A separate room in which animals shall be finally prepared for bleeding or hyperimmunizing,

(4) A separate room or adequate facilities for conducting autopsies,

(5) A separate room for preparation and mixing of biological products,

(6) A separate room for washing and sterilizing equipment,

(7) Clean cloths, which shall be kept damp when in use, to be used for covering virus pigs and final bleeders during all operations incident to the collection of blood, and

(8) Dust screens for all outside doors, openings, and unsealed windows;

(c) Suitable rooms and compartments in such places, and containers, and the like, in such numbers as may be necessary for holding biological products: *Provided,* That such rooms and compartments, and containers, and the like shall be capable of being secured under locks or seals furnished by the Bureau, and the keys of said locks shall not leave the custody of the inspectors;

(d) Suitable containers satisfactorily equipped for thoroughly mixing batches of all biological products; and

(e) Automatic recording thermometers or gages equipped for locking or sealing as provided in paragraph (c) of this section, and other thermometers which will register temperatures accurately and satisfactorily for use as required by the regulations.

PART 108—SANITATION AT LICENSED ESTABLISHMENTS

Sec.

§ 108.1 *Remodeling and additions; plans and specifications.* Triplicate copies of plans properly drawn to scale, and of specifications, including plumbing and drainage, for remodeling licensed establishments and for new structures at licensed establishments shall be submitted to the Chief in advance of construction.

§ 108.2 *Stables and premises.* Stables or other premises for animals used in the production or testing of biological products at licensed establishments shall be properly ventilated and lighted, appropriately drained and guttered, and kept in sanitary condition.

§ 108.3 *Segregation of animals.* Animals infected with or exposed to any dangerous, infectious, contagious, or communicable disease shall be effectively segregated at licensed establishments.

§ 108.4 *Location of licensed establishments.* (a) Licensed establishments shall be so located and so constructed that disease will not spread therefrom, and suitable arrangements shall be made for the disposal of all refuse.

(b) Direct communication to licensed establishments shall not be maintained from public stockyards, abattoir pens, or other places in which animals are received or held for any purpose.

§ 108.5 *Precautions.* All biological products prepared at licensed establishments shall be prepared, handled, and distributed under the Virus-Serum-Toxin Act with due sanitary precautions, and all such biological products to be shipped or delivered under said act shall be securely packed.

§ 108.6 *Construction.* The floors, walls, ceilings, partitions, posts, doors, and all other parts of all structures at licensed establishments shall be of such material, construction, and finish as can be readily and thoroughly cleaned.

§ 108.7 *Dangerous organisms and products.* Rooms or compartments separate from the remainder of the establishment shall be provided at licensed establishments for preparing, handling, and storing virulent or dangerous organisms and products.

§ 108.8 *Light and ventilation.* All rooms and compartments at licensed establishments shall have abundant light and sufficient ventilation to insure sanitary and hygienic conditions.

§ 108.9 *Dressing rooms and other facilities.* (a) Each licensed establishment shall have dressing and toilet rooms and urinals sufficient in number, ample in size, conveniently located, properly ventilated, and meeting all requirements of the regulations as to sanitary construction and equipment. These rooms and facilities shall be separate from rooms and compartments in which any biological product is prepared, handled or stored.

(b) Each licensed establishment shall have modern lavatory accommodations, including running hot and cold water, soap, towels, and the like. These shall be so located in the establishments as to make them readily accessible to all persons handling biological products.

§ 108.10 *Drainage and plumbing.* There shall be an efficient drainage and plumbing system for each licensed establishment and premises thereof, and all drains and gutters shall be properly installed with approved traps and vents.

§ 108.11 *Water supply.* The supply of hot and cold water at licensed establishments shall be ample and clean. Adequate facilities shall be provided for the distribution of water in each establishment and for the washing of all containers, machinery, instruments, other equipment, and animals used in the preparation, handling, or storing of any biological product.

§ 108.12 *Rooms and equipment.* All rooms, compartments, and other places used in connection with the preparation, handling, or storing of any biological product at licensed establishments shall be of such material, construction, and design as can be readily and thoroughly cleaned. All containers, instruments, and other equipment shall be cleaned and sterilized and so handled thereafter as to afford protection from contamination. Containers, instruments, and other apparatus and equipment used for preparing, handling, or storing virulent or dangerous organisms or products shall not be used for handling, preparing, or storing other forms of biological products.

§ 108.13 *Hands and clothing.* (a) All employees of licensed establishments who handle biological products shall keep their hands and clothing clean. The hands of such employees shall not come in contact with any biological product or with any part of sterilized containers, instruments, or other equipment which may come in contact with such products.

(b) Caps, gowns, and other outer clothing worn by persons while handling any biological product shall be of clean, white material whenever practicable. All persons, immediately before entering the operating or laboratory rooms of a licensed establishment, shall change their outer clothing or effectively cover the same with gowns or other satisfactory garments.

§ 108.14 *Outer premises.* The outer premises of licensed establishments, embracing docks, driveways, approaches, yards, pens, chutes, and alleys, shall be drained properly and kept in a clean and orderly condition. No nuisance shall be allowed in any licensed establishment or on its premises.

§ 108.15 *Flies and other vermin.* Every practicable precaution shall be taken to keep licensed establishments free of flies, rats, mice, and other vermin. The accumulation, on the premises of an establishment, of any material in which flies or other vermin may breed is forbidden.

§ 108.16 *Carcasses, refuse materials, and biological products.* All parts of the carcasses of animals producing viruses, all other dead animals and parts and refuse, all materials unsatisfactory for production purposes, all biological products unsatisfactory for marketing, and all worthless, contaminated, dangerous, or harmful biological products, shall be incinerated or otherwise disposed of by licensees as may be required by the Chief.

§ 108.17 *Smoking or expectorating, etc.* Such practices as smoking in laboratories or expectorating on the floors of any room, compartment, or place in which biological products are prepared, handled, or stored at licensed establishments are prohibited.

PART 109—STERILIZATION AT LICENSED ESTABLISHMENTS

Sec.
109.1 Equipment and the like.
109.2 Sterilizers.

§ 109.1 *Equipment and the like.* (a) All containers, instruments, and other apparatus and equipment, before being used in preparing, handling, or storing biological products, at a licensed establishment, except as otherwise prescribed herein, shall be thoroughly sterilized by live steam at a temperature of at least 120° C. for not less than one-half hour, or by dry heat at a temperature of at least 160° C. for not less than one hour. If for any reason such methods of sterilization are impracticable, then a process known to be equally efficacious in destroying microorganisms and their spores may be substituted after approval by the Chief.

(b) Instruments which are found to be damaged by exposure to the degree of heat prescribed in this section, after having been thoroughly cleaned, may be sterilized by boiling for not less than 15 minutes, provided apparatus satisfactory to the inspector in charge is furnished for this purpose.

§ 109.2 *Sterilizers.* Steam and dry-heat sterilizers used in connection with the production of biological products at licensed establishments shall be equipped with automatic temperature-recording gages. Charts used on these gages shall be available at all times for examination by inspectors.

PART 112—LABELS AND SAMPLES

LABELS

Sec.
112.1 Containers.
112.2 Required and permitted information.
112.3 Reference to distributors.
112.4 Review and approval of labels and other material.

SAMPLES

112.26 Collection and handling of samples.
112.27 Selection, marking, and holding by licensee.

LABELS

§ 112.1 *Containers.* (a) Each immediate or true container of biological products prepared at a licensed establishment or imported by a licensee or permittee, in compliance with the regulations and found not to be worthless, contaminated, dangerous, or harmful, shall be labeled as provided in this part.

(b) No container of any biological product which has not been so prepared and found not to be worthless, contaminated, dangerous, or harmful shall bear such a label, except that containers of antihog-cholera serum and hog-cholera virus prepared at licensed establishments, and such other products of such establishments as the Chief may permit, may be labeled before the products are released for marketing; *Provided,* Such labeling is done under the direct supervision of an inspector and the products immediately thereafter are placed under Bureau lock, where they are held until released for marketing. No person shall have access to the compartment in which such labeled products are held under such lock except in the immediate presence of an inspector.

(c) No person shall apply or affix, or cause to be applied or affixed, any label, stamp, or mark to any biological product prepared or received in a licensed establishment or imported except in compliance with the regulations. Suitable tags or labels of a distinct design shall be used for identifying all biological products while in course of preparation at licensed establishments.

§ 112.2 *Required and permitted information.* (a) Labels of biological products prepared at licensed establishments or imported shall include the following:

(1) The true name of the product contained in the package, which name shall be identical with that shown in the license or permit under which the product is prepared or imported and shall be so lettered and placed as to give equal prominence to each word composing it;

(2) The name and address of the licensee or permittee: *Provided,* That when the licensee has more than one establishment, one street address only shall be given, although the general location of each licensed establishment in such case may be stated;

(3) The license or permit number assigned by the Department which shall be shown in one of the following forms, respectively: "U. S. Veterinary License No. ____," or "U. S. Vet. License No. ____"; or "U. S. Veterinary Permit No. ____," or "U. S. Vet. Permit No. ____".

(4) A serial number by which the product can be identified with the manufacturer's records of preparation;

(5) A permitted expiration date affixed before the product is removed from the manufacturer's establishment;

(6) A dosage table and full instructions for the proper use of the product or a statement in the case of very small labels as to where such information is to be found;

(7) The quantity of the contents of each immediate or true container in cubic centimeters, units, grams, or milligrams;

(8) Instructions to protect the product from light and keep it at a temperature of not over 45° F.. *Provided,* That all labels, circulars, and the like for Brucella abortus vaccine and rabies vaccine shall include a warning against freezing and instructions to keep the product under refrigeration at 35° to 45° F.,

(9) In the case of multiple-dose containers, a warning that all of the product should be used at the time the container is first opened;

(10) A statement, in the case of subcutaneous tuberculin, indicating the quantity of Koch's old tuberculin (K. O. T.) in each cubic centimeter, disk, or the like of the product, and recommendations regarding the minimum dose to be administered: *Provided,* That this dose for subcutaneous use shall be not less than the equivalent of 0.5 gram K. O. T.,

(11) The notice "Caution—Burn this container and all unused contents" in the case of biological products composed of viable or dangerous organisms or viruses; which notice shall be prominently placed and lettered and affixed to the immediate or true container of such products; and

(12) All other similar information required by the Chief.

(b) Labels of biological products prepared at licensed establishments or imported may also include any other statement which is not false or misleading.

(c) Labels of biological products prepared at licensed establishments or imported shall not include any statement, design, or device which is false or misleading in any particular or may otherwise deceive the purchaser.

§ 112.3 *Reference to distributors.* When any biological product is to be distributed under the Virus-Serum-Toxin Act by any person other than the one holding a license to produce, or a permit to import, such product, and the name and address of the distributing person are to appear on the labels of the containers thereof a statement shall be made on the labels indicating that such person is the distributor of the biological product. The name and address of the distributor shall not appear in any form or manner indicating that he is the producer of the product or operating under the license or permit shown on the label. The terms "distributor," "distributors," "distributed by," or equivalent terms may be used if prominently and properly placed and lettered, in connection with the name and address of the distributing person: *Provided,* The same are not so used as to be either false or misleading. Reference to the distributing person shall be made by name and address only.

§ 112.4 *Review and approval of labels and other material.* (a) Except as otherwise provided in this section, quadruplicate copies of all labels, circulars, and

advertising matter for use on biological products prepared by licensed establishments or imported shall be submitted to the Chief for review and approval before they are placed in use. For the convenience and guidance of licensees and permittees, sketches or proofs of new labels and the like may be submitted in triplicate to the Chief for review and approval, and in this case the preparation of finished labels and the like shall be deferred until copies of such sketches or proofs are returned to the licensee or permittee.

(b) Tags, stickers, and the like used to identify products or materials during process of production or testing, if not false or deceptive, may be used by licensees with the permission of the inspector in charge.

(c) The inspector in charge may permit the use by licensees of approved labels and the like which have been modified as follows:

(1) When all features of the label are proportionately enlarged and the general arrangement including colors remains the same;

(2) When the label is translated into a foreign language without other material change; or

(3) When changes in advertising matter are made which do not involve new claims or statements relative to the product.

(d) As of February 1 of each year or oftener on request by the Chief, licensees shall submit to him, through the office of the inspector in charge, lists of labels and the like which they will continue in actual use. Each shall be properly identified by date of approval, name of product, and number if used.

SAMPLES

§ 112.26 *Collection and handling of samples.* (a) Samples of biological products shall be collected only by authorized officers, agents, or employees of the Department.

(b) Samples may be purchased in the open market, and the marks, brands, or tags upon the package or wrapper thereof shall be noted. The collector shall note the names of the vendor and agent of the vendor who made the sale, together with the date of purchase. The collector shall select representative samples.

(c) All samples or parts of samples shall be sealed by the collector and marked for identification and future reference.

§ 112.27 *Selection, marking, and holding by licensee.* (a) Representative samples of each batch of every biological product except anti-hog-cholera serum, hog-cholera vaccine, and hog-cholera virus shall be selected at random from packages finished for marketing, by designated laboratory employees in each licensed establishment. Each sample shall (1) consist of two or more containers and the package (or packages) shall be sealed, dated, and initialed when taken; (2) be adequate in quantity for appropriate examination and testing; (3) be truly representative of the batch which is to be marketed and be in the true containers; and (4) be held by the licensee at least 6 months after the latest expiration date stated on the labels.

(b) A special compartment or the equivalent shall be set aside by the licensee for the exclusive holding of these samples under refrigeration at 35° to 45° F. The samples shall be stored systematically for ready reference and procurement if and when required.

PART 114—MISCELLANEOUS REQUIREMENTS FOR LICENSED ESTABLISHMENTS

Sec.
114.1 Composition of products.
114.2 Methods.
114.3 Serums, equine and bovine.
114.4 Brucella cultures.
114.5 Brucella abortus vaccine; marketing and use.
114.6 Fowl-pox vaccine and laryngotracheitis vaccine.
114.7 Rabies vaccine.
114.8 Tetanus antitoxin.
114.9 Mixing biological products.
114.10 Phenol determination.
114.11 Temperature and light.
114.12 Bureau tests.

§ 114.1 *Composition of products.* Organisms or viruses used in the production at licensed establishments of bacterins, vaccines, toxins, and the like shall be derived from the causative agents of the diseases or conditions against which the products are to be used, and shall be free from the causitive agents of other diseases or conditions.

§ 114.2 *Methods.* (a) All biological products shall be prepared, handled, stored, marked, treated, and tested by licensees in accordance with methods described in the licensees' outlines provided for under this section, unless other methods are prescribed by the Chief in which case such other method shall be used.

(b) An outline, describing fully the entire process of preparing, handling, storing, marking, treating, and testing each biological product except anti-hog-cholera serum and hog-cholera virus, shall be submitted by each licensee to the Division. Tests that are applicable and necessary to prevent the marketing of an unsatisfactory product shall be made by the licensee. Such tests include sterility, safety, and potency tests and tests for determining agglutination and complement fixation titer, and the like. Each outline shall clearly state a definite expiration date for the product and on what it is based. Each outline to which no objections are made by the Officer in Charge of the Division will be stamped, with the date filed, and copies of such outlines will be returned to the licensee. An outline may be followed only after such action has been taken. An outline so processed must be followed by the licensee unless and until amended in the same manner or the licensee is directed to discontinue following such outline because of objections made to it at any time by the Officer in Charge of the Division. When such objections are made, unless the licensee modifies his outline to meet them, the Officer in Charge of the Division shall notify the Chief who may, after affording opportunity for hearing to the licensee, prescribe the method of preparing, handling, storing, marking, treating, or testing the particular product to be observed by the licensee. Pending such action by the Chief, the licensee may continue to use such outline except that where the public health, interest, or safety so requires, the Officer in Charge may upon notice to the licensee, suspend immediately approval of the outline and thereupon the licensee shall not use such outline in the production of biological products under the Virus-Serum-Toxin Act unless and until subsequent notice of withdrawal of such suspension is given to the licensee.

§ 114.3 *Serums, equine and bovine.* (a) Equine and bovine serums produced at licensed establishments shall be derived from the blood of healthy animals. No serum-producing animal shall be given antigen containing Brucella organisms or their derivatives without approval of the Chief. Detailed records relative to any tests on the animals and to the antigens used in treating serum-producing animals shall be maintained by the licensee.

(b) Serum and aggressin of equine origin produced at licensed establishments shall be heated at 58.5°C. for 60 minutes, with a tolerance of 0.5° above and below that temperature, by methods prescribed in this section, and serum of bovine origin shall be heated in like manner for 30 minutes. Serum shall contain no preservative at the time of heating.

(c) Serum heated as provided in paragraph (b) of this section, shall be cooled immediately thereafter to 12° C. or lower, and thus held until it is properly preserved. It shall be preserved, mixed, and tested by methods described in the licensee's outline.

(d) Units of equine serum heated as provided in paragraph (b) of this section, may be tested for toxicity on one or more horses by injecting, intravenously, each of the test horses with at least 100 cc. of a representative sample thereof. Should the test horses show a reaction due to the serum injected, the product shall not be marketed unless and until the toxic fraction is removed or is shown to be harmless.

(e) Bulbs and other parts of recording thermometers at licensed establishments which are to be placed within heating containers, when not in actual use shall be submerged in a 5-percent phenol solution.

(f) Accurate thermometers at licensed establishments shall be used at frequent intervals to check temperatures of the serum as registered by recording thermometers.

(g) Licensees shall keep detailed records relative to each unit of serum as pasteurized and each batch of serum as prepared for marketing. Recording thermometer charts must bear full information concerning the serum heated and tests made of the equipment.

(h) Metal serum containers, each having a capacity of approximately 50 liters, shall be used in licensed establishments. During the heating process these containers shall be surrounded by a separate water jacket or equivalent so that the entire container, including its lid, is submerged at least 2 inches beneath the surface of the water. Filling must be done at a point which is below the surface of the water at the time of heating. Each serum container shall be

equipped with a motor-driven agitator and a separate automatic recording thermometer, and shall have a lid attached to the container so as to withstand approximately 15 pounds' pressure without leakage, when submerged in water.

(i) The water bath shall have an automatic temperature control to limit the temperature of the water to a maximum of 62° C., an automatic recording thermometer, an indicating thermometer set in a fixed position, and circulating mechanism adequate to insure equal temperatures throughout the bath. The heating unit for the bath shall be separate from the serum-container jacket.

(j) All pasteurizing equipment must be acceptable to the Bureau and meet all necessary tests.

§ 114.4 *Brucella cultures.* Only those cultures of Brucella abortus organisms known to be acceptable to the Bureau shall be used in preparing Brucella abortus vaccine in licensed establishments. Cultures for this purpose will be supplied by the Bureau upon request. Cultures of Brucella suis must not be admitted to or handled in licensed establishments without approval of the Chief.

§ 114.5 *Brucella abortus vaccine; marketing and use.* (a) Licensees' production outlines for Brucella abortus vaccine shall specify, among other things, the minimum number of viable Brucella abortus organisms per cubic centimeter that shall be present in the product until the end of the period of use indicated by the expiration date. The expiration date for the liquid form of this vaccine shall not exceed 3 months from the date of production (harvesting) The liquid form of this product shall be marketed only in single-dose vials of resistant glass of low alkalinity and uniform stability having a capacity of approximately 8 cc. All other glass containers used in preparation of the product shall be of like resistance. Each vial of liquid vaccine for subcutaneous injection shall contain 6 cc. of vaccine (plus or minus 0.25 cc.)

(b) Freshly prepared Brucella abortus vaccine shall contain, when subjected to testing, not less than 60 billion viable Brucella abortus organisms per dose. The vaccine also shall contain not less than 30 billion viable Brucella abortus organisms per dose until the end of the period of use as indicated by the expiration date recorded on all labels used on or in connection with each immediate or true container of the same mixture or batch. Licensees may recommend the vaccine for the immunization of bovine animals over 4 months of age if they are not more than 4 months in pregnancy.

§ 114.6 *Fowl-pox vaccine and laryngotracheitis vaccine.* Licensed establishments shall test each batch of fowl-pox vaccine, including pigeon pox, and laryngotracheitis vaccine as provided in this section to determine whether it is free from the causative agents of extraneous diseases. No batch of these products shall exceed 200 grams.

(a) *Fowl-pox vaccine.* For testing each bath of 200 grams or less of fowl-pox vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 21 days with fowl-pox vaccine, previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from viruses or septicemic diseases.

(2) Three of the test birds selected shall be injected intratracheally with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of laryngotracheitis and similar diseases.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine prepared exactly as the product is to be used in the field. This group should serve to indicate whether the product is free from the virus of coryza and similar diseases.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a careful post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous disease.

(b) *Laryngotracheitis vaccine.* For testing each batch of 200 grams or less of laryngotracheitis vaccine, 12 healthy cockerels or other suitable young chickens of the same source shall be made available at the same time. This group shall have been immunized for at least 14 days with laryngotracheitis vaccine previously tested and found satisfactory.

(1) Three of the test birds selected shall be injected subcutaneously with 10 times the field dose of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field.

(2) Three of the test birds selected shall be treated by applying at least 10 times the field dose of the vaccine to be tested to a scarified area of at least 1 square centimeter on the comb of each bird. The vaccine as tested shall be prepared exactly as the product is to be used in the field.

(3) Three of the test birds selected shall be injected intranasally with 0.2 cc. of the vaccine to be tested. The vaccine as tested shall be prepared exactly as the product is to be used in the field.

(4) The three remaining birds selected shall be isolated and held as controls under observation for at least 21 days.

(5) All the treated birds shall be observed daily for at least 21 days. All the test birds that succumb shall be subjected to a post mortem examination by a competent veterinarian. The product shall be withheld from the market until it and the test birds are shown to be free of the causative agents of any extraneous diseases. No bird shall be used more than once in making tests, and only healthy birds shall be removed from the premises.

(c) Each batch of fowl-pox and laryngotracheitis vaccine shall be tested by the licensee for protective value.

§ 114.7 *Rabies vaccine.* Licensees producing rabies vaccine shall adhere to the following requirements pertaining to the preparation and testing of this product for safety and potency.

(a) The fixed virus of rabies material shall be treated with phenol or by other means permitted by the Chief to render it safe without materially reducing the antigenicity of the vaccine.

(b) Rabies vaccine shall be collected in batches and mixed thoroughly in a single container. The product in the completed batch shall consist not less than 20 percent of fixed virus material unless otherwise authorized by the Chief.

(c) Safety tests shall be made by injecting subdurally laboratory animals with a representative sample of rabies vaccine. Each batch not in excess of 100,000 cc. completed for marketing shall be tested by thus injecting each of not less than two rabbits with not less than 0.2 cc. and each of not less than five mice with 0.03 cc. for each 20,000 cc. or fraction thereof. The test animals shall be held under observation for at least 14 days.

(d) Each batch of completed vaccine not in excess of 100,000 cc. shall be tested by the licensee for protective value. Each batch to be marketed shall show a protective titer of at least 1,000 m. l. d. when tested on suitable mice against the permitted standard challenge virus.

(e) Rabies vaccine, prepared for marketing, which contains the living virus of rabies or which is worthless, contaminated, dangerous, or harmful, shall not be marketed and shall be destroyed under the provisions of § 108.16 of this chapter.

§ 114.8 *Tetanus antitoxin.* (a) All containers of tetanus antitoxin prepared by licensees for marketing in the United States shall contain not less than 1,500 units and be labeled to recommend not less than this quantity as a minimum prophylactic dose.

(b) When tetanus antitoxin is prepared by licensees for export, 500 units may be recommended on the label as a minimum prophylactic dose provided the labeling clearly indicates that the products is for export. There shall be printed conspicuously on each label the word "export," with the name and address of the distributor located in the foreign country.

(c) The immunity unit for measuring the strength of tetanus antitoxin shall be 10 times the least quantity of antitetanic serum necessary to save the life of a 350-gm. guinea pig for 96 hours against the dose of standard toxin permitted under the regulations.

§ 114.9 *Mixing biological products.* Each batch of biological product, when in liquid form, shall be mixed thoroughly in a single container and be constantly agitated during bottling operations at licensed establishments. Serial numbers in sequence, with any other markings that may be necessary for ready identifi-

cation of the batch, shall be applied to identify it with the records of preparation and labeling.

§ 114.10 *Phenol determination.* As an aid in meeting requirements for the preservation of anti-hog-cholera serum and hog-chlorea virus with phenol, employees of the Division trained in making the field phenol test will instruct licensed-establishment employees fully in the technique of making this test. A general description and directions for making the field phenol test known as the "P–2 Test" are available on application to the Division. The necessary reagents for such use will be supplied by the Bureau through inspectors in charge on request. Licensees shall use the field phenol test on all batches of preserving solutions and hog-cholera virus. Division inspectors will make such check tests as may be warranted.

§ 114.11 *Temperature and light.* Biological products at licensed establishments shall be protected at all times against light and detrimental temperatures. Furthermore, such products, after completion, shall be kept under refrigeration at 35° to 45° F.

§ 114.12 *Bureau tests.* Whenever deemed necessary, a licensee may be required by the inspector in charge to withhold biological products from the market until representative samples have been tested by the Bureau and the batches concerned released by the Bureau for marketing. These samples shall be taken only by Bureau employees.

PART 115—RETESTING

§ 115.1 *Reinspection and retests.* All biological products, the containers of which bear United States veterinary license numbers or United States veterinary permit numbers or other marks required by these regulations may be inspected at any time or place. If, as a result of such inspection, it appears that any such product, even though prepared in a licensed establishment or imported under permit issued by the Secretary, is worthless, contaminated, dangerous, or harmful, the Secretary shall give notice thereof to the manufacturer or importer and to any jobbers, wholesalers, dealers, or other persons known to have any of such product in their possession. Unless and until the Secretary shall otherwise direct, no persons so notified shall thereafter sell, barter, or exchange any such product in any place under the jurisdiction of the United States or ship or deliver for shipment any such product from any State, Territory, or the District of Columbia to any other State, Territory or the District of Columbia. However, failure to receive such notice shall not excuse any person from compliance with the Virus-Serum-Toxin Act.

PART 116—RECORDS AND REPORTS

RECORDS

Sec.
116.1 Maintenance of records.
116.2 Special record requirements.
116.3 Completion of records.

REPORTS

Sec.
116.10 Inspection reports.
116.11 Licensees to furnish information.
116.12 Charts.

RECORDS

§ 116.1 *Maintenance of records.* Permanent, detailed records of the results of tests for purity and potency and of the methods of preservation of each batch of biological products shall be kept by each licensee. Biological products prepared in foreign countries shall be eligible for importation into the United States only if the foreign manufacturer of such products also maintains such records. Permanent, detailed records in form satisfactory to the Chief shall be maintained by each licensee, each distributor, and each importer, showing the sale, shipment, or other disposition made of the biological products handled by such person.

§ 116.2 *Special record requirements.* Licensees preparing anti-hog-cholera serum and hog-cholera virus shall observe the following requirements:

(a) *Work sheets*—(1) *Virus pigs.* Work sheets for virus pigs shall show the tag number, date of admission to the premises, date of inoculation, and serial number and dose of virus used. Such work sheets shall show the temperature and physical condition of each pig when this is required by the regulations. They shall also show whether the virus collected from each pig was used in hyperimmunizing virus, simultaneous virus, or inoculating virus, or was destroyed. In the case of pigs intended for the production of simultaneous virus, the work sheet shall be prepared by the licensee in triplicate and the second carbon copy shall be furnished the inspector on the date of inoculation, except when the group is not designated as containing simultaneous virus pigs until the third day after the date of inoculation. In the latter case the work sheet shall be prepared in triplicate on the third day after inoculation to show the tag number and other information required by the regulations for each pig in the group and the second carbon copy shall then be furnished to the inspector. In any case, when the original and first carbon copies are completed, the first carbon copy shall be delivered to the inspector. All groups of pigs from which simultaneous virus will be selected shall be held in pens separate from other pigs.

(2) *Hyperimmunization of immune hogs.* Work sheets for hyperimmunization of immune hogs shall show the temperature and the tag number of each animal, actual weight at time of hyperimmunization, and the serial number and dose of virus injected. The net quantity injected into each group of animals and the number of the group to which each animal belongs also shall be recorded. This work sheet shall be prepared in duplicate, and the carbon copy shall be furnished to the inspector.

(3) *Bleeding of hyperimmune hogs.* Work sheets for bleeding of hyperimmunized hogs shall show the group number of the hogs, the temperature and tag number of each animal, and the class of bleeding. The work sheet shall be prepared in duplicate and furnished to the inspector in advance of actual bleeding of the animals shown thereon. Upon receipt of the work sheet, the inspector shall check it with his records, and if he finds that the animals shown thereon are eligible for bleeding he shall supervise the taking and recording of their temperatures. The temperature of each animal shall be recorded on the work sheet by an employee of the licensed establishment. The inspector shall indicate on the work sheet those animals that are rejected, return the original copy to the licensee, and retain the duplicate.

(4) *Serum preparation.* Work sheets for the clarification of anti-hog-cholera serum shall show the number of the group to which the hogs belong, and the class and total number of bleedings involved, with the information required in this subparagraph relating to each working unit, as defined in § 119.23 (a) (3) of this chapter. The information relating to the working unit shall include the total quantity of whole or defibrinated blood used and the total quantity of clarifying solutions. The quantity of each clarifying solution shall be recorded separately. The quantity of serum recovered (gross), the total quantity of preserving solution used, and the total quantity of preserved serum shall be recorded separately for each group. The quantity of preserved serum contained in each storage container and the number of the container shall be shown on the work sheet. This work sheet shall be prepared in quadruplicate and three carbon copies shall be furnished to the inspector.

(5) *Work sheets, specimens.* A sample form of the work sheets used in licensed establishments in connection with virus pigs, the hyperimmunization of immune hogs, the bleeding of hyperimmune hogs, and the preparation of anti-hog-cholera serum shall be filed with the Division. A statement shall accompany each form showing in detail the manner in which it will be prepared and used.

(b) *Permanent records.* (1) Licensees shall maintain all permanent production records in ink or the equivalent. These records shall include a record of all pigs, used to produce hog-cholera virus. The information on this record shall be substantially the same as that shown on the work sheets as provided in paragraph (a) of this section, and in addition it shall include the date on which each pig was killed and the serial number of the batch of virus produced. Such records shall contain information as to the total quantity in each batch of hyperimmunizing, simultaneous, or inoculating virus produced. All such records shall clearly show the particular animal or group of animals from which each batch of the product is derived. The quantity collected and the total quantity after phenolization shall be separately recorded.

(2) Records showing the hyperimmunization of immune hogs and the bleeding of hyperimmune hogs shall be maintained in permanent form.

(3) Charts of the automatic temperature-recording thermometers used in connection with the heating and cooling of anti-hog-cholera serum shall be filed as a part of the Bureau station records.

(4) Complete records of the preparation and mixing of all virus and serum into batches and the bottling, testing, and labeling thereof shall be maintained as permanent records.

(5) Work sheets prepared like those used by inspectors will be deemed to meet the requirements of this part. Work sheets shall be filed by licensed establishments for reference, and if they are made in ink or the equivalent and otherwise are satisfactory they will be accepted as the permanent records.

§ 116.3 *Completion of records.* Records required by this part must be completed by the licensee before any portion of a batch of any product may be marketed.

REPORTS

§ 116.10 *Inspection.* Reports of the work of inspection carried on in licensed establishments shall be prepared and forwarded to the Division by the inspector in charge in such form and manner as may be required by the Chief.

§ 116.11 *Licensees to furnish information.* Each licensee shall furnish inspectors with accurate information needed by them for making their reports pursuant to § 116.10 and shall also submit such reports as may be required by the Chief.

§ 116.12 *Charts.* Each licensee shall furnish the Division, through the inspector in charge, copies of charts of all tests made of each batch of anti-hemorrhagic-septicemia serum, anti-swine-erysipelas serum, anti-encephalomyelitis serum, encephalomyelitis vaccine, and rabies vaccine and charts for such other products as may be required by the Chief before any of the batch is marketed.

PART 117—ANIMALS

Sec.

§ 117.1 *Opportunity to range in contact.* All cattle, hogs, sheep, and goats, except animals admitted by certificate as provided in § 117.6, offered for admission to the premises of licensed establishments shall be afforded opportunity to range in contact with other animals as prescribed in the regulations.

§ 117.2 *Contact pens.* Licensees shall provide suitable pens to be known as contact pens through which all hogs, cattle, sheep, and goats shall pass before they shall be admitted to other parts of the premises of a licensed establishment, except that animals admitted under certificate as provided in § 117.6 need not pass through such pens.

§ 117.3 *Contact calves.* (a) Licensees shall provide healthy calves in thrifty condition, ranging from 3 to 12 months of age, and weighing less than 650 pounds for use as contact animals in contact pens. They shall be referred to as contact calves.

(b) Each contact calf shall have its left ear pierced with a hole not less than three-fourths inch in diameter and shall have a serially numbered metal tag attached to its right ear.

§ 117.4 *Time held in contact.* (a) Except as otherwise provided in § 117.6, each lot of 200 or less sheep or goats and each lot of 20 or less cattle at licensed establishments shall be held in the contact pens for at least 2 days in contact with not less than 2 contact calves, and each animal shall be allowed free range and contact with said contact calves and the other animals in the lot.

(b) Except as otherwise provided in § 117.6, each lot of 200 or less hogs at licensed establishments shall be held in the contact pens for at least 1 day in contact with not less than 2 contact calves, except that in the case of pigs used in testing the potency and purity of anti-hog-cholera serum, 6 hours will be sufficient. Each animal shall be allowed free range and contact with said contact calves and the other animals in the lot. Hogs immune to hog cholera may be removed from the contact pens for hyperimmunization at any time while being held as aforesaid: *Provided,* They are returned to said pens immediately after this operation.

§ 117.5 *Contact calves; holding and removal.* (a) All surviving contact calves shall be held in the contact pens of licensed establishments for at least 1 month from date of admission to contact pens as contact calves.

(b) Removal of contact calves from contact pens shall be so arranged that one animal of each group of 2 will be replaced at the expiration of 1 month and the other at the expiration of 2 months.

(c) Removal of contact calves from contact pens shall be so accomplished that the animals furnished for the purpose may be used for the maximum time permitted by the preceding paragraphs of this section. A contact calf shall not be used as such more than once, but may be used for testing simultaneous virus after release as a contact animal. Contact calves shall be segregated from incoming animals for 14 days immediately before removal from the premises.

(d) Contact calves shall be subjected to thorough veterinary inspection as frequently as may be practicable in order to detect evidence of vesicular disease or other diseases. Whenever any animals on the premises show evidence of being affected with vesicular disease, rinderpest, or any other highly communicable disease, immediate and proper steps shall be taken by the licensee and the inspector in charge to prevent further dissemination of disease and to notify the Chief of the situation. In these circumstances the pen group or section group of animals shall be regarded as a unit for disposal and no attempt made to separate such group in any way unless and until a positive diagnosis is made and a definite plan of disposal agreed upon. Whenever presence of any of these conditions is suspected, removal of animal products shall be suspended and full report made to the Bureau by telephone, telegram, or air mail.

§ 117.6 *Certificates.* (a) Animals admitted to the premises of any licensed establishment which produces anti-hog-cholera serum and hog-cholera virus and which procures no animals from public stockyards, abattoir pens, or similar places need not be held in contact with contact calves as provided in § 117.2 if (1) the animals are for use in the production of anti-hog-cholera serum or hog-cholera virus, and (2) the licensee furnishes to the inspector in charge at the licensed establishment a certificate as provided for in paragraph (c) of this section.

(b) Pigs for special tests authorized by the Chief admitted to the premises of any licensed establishment need not be held in contact with contact calves as provided in § 117.2 if the pigs are handled as prescribed by the Chief and if the licensee furnishes to the inspector in charge at the licensed establishment a certificate as provided for in paragraph (c) of this section.

(c) Each certificate provided for in paragraphs (a) and (b) shall be signed by an authorized representative of the licensed establishment, and shall be in the following form:

_____, 19____

This is to certify that _____ (specify number and kind of animals) which are offered for admission to the licensed establishment of the _____ Co. are from the farm or premises of _____, in the State of _____, County of _____, Township of _____, and to the best of our knowledge and belief were on said farm or premises at least 21 days prior to this date, and were not exposed to any infectious, contagious, or communicable disease, and no new stock was brought onto said farm or premises during that time. The said animals have not been in or transported through any public stockyards, abattoir pens, or similar places, nor have they been exposed to any infectious, contagious, or communicable disease since their removal from said farm or premises.

(Signed) _____ Co.,
Per _____

§ 117.7 *Examination and identification.* (a) All animals presented for admission to the premises of establishments licensed to prepare anti-hog-cholera serum or hog-cholera virus shall be subjected to veterinary inspection as soon as practicable after they are received in order to determine their physical condition. No such animal shall be removed from contact pens at such establishments without veterinary inspection and permission of the supervising inspector.

(b) After examination as provided in paragraph (a) of this section, if the animals are permitted to remain upon the premises of the licensed establishment and to enter the holding pens of

the establishment, they shall be given serially numbered metal tags, either prior to or at the time of inoculation or hyperimmunization.

(c) All tags used for the identification of animals shall be attached to the ears of the animals in a manner satisfactory to the inspector in charge. The tags so attached shall be the means of assisting in identifying the animals as long as they remain on the premises.

(d) All tags which are used to identify animals shall be furnished and attached by the licensee, and when said tags are not in use they shall be held under Bureau lock: *Provided*, That, when required by the Chief, tags furnished by the Division shall be used.

(e) The left ear of each animal used in testing the purity and potency of biological products shall, if of sufficient size, be pierced, when the test is begun, with a hole of not less than three-fourths inch in diameter, except that when pigs or calves are used in testing hog-cholera virus for purity as prescribed in the regulations, their right ears shall be pierced as aforesaid. Animals bearing marks of the above-precribed character shall not be presented for use in testing the purity and potency of biological products, except that contact calves and serum-treated pigs in anti-hog-cholera serum tests, after release as prescribed in the regulations, may be used, once for testing hog-cholera virus for purity, provided they are healthy and their right ears then are pierced as aforesaid. Furthermore, animals with either ear removed or so mutilated as to prevent the detection of these identifying marks shall not be used in any test, if the missing or mutilated ears are needed to determine the suitability of the animals for test purposes as described herein.

§ 117.8 *Treatment.* (a) Animals used in the production or testing of biological products at licensed establishments shall not be treated with biological products other than those which are incidental to the preparation and testing of the products prepared from or tested on said animals, except with the approval of and in such manner as may be prescribed by the Chief.

(b) Contact calves shall not be immunized against diseases to which they are susceptible, with the exception of hemorrhagic septicemia. Such calves, if permitted by the inspectors in charge, may be treated with hemorrhagic-septicemia bacterin and anti-hemorrhagic-septicemia serum.

§ 117.9 *Hyperimmune hogs; time range with contact calves.* (a) If in any specific case hyperimmune hogs are the only production animals held upon the premises of a licensed establishment, they shall be caused to range in contact with calves in the manner prescribed in § 117.2 for a period of at least 10 days prior to their being subjected to carotid or final bleeding. All animals with which hyperimmune hogs have been held in contact as provided in this section shall be held on the premises of the licensed establishment and under the observation of inspectors for at least 14 days after the hyperimmune hogs have been killed.

(b) If at any time hyperimmune hogs are subjected to tail bleeding only, those surviving shall be held under the supervision of inspectors for at least 14 days after the last tail bleeding, but subsequently shall be killed and subjected to post mortem examination as provided by the regulations.

§ 117.10 *Removal of animals.* Hogs, cattle, sheep, or goats shall not be removed from the premises of establishments licensed to produce anti-hog-cholera serum or hog-cholera virus without the written permission of the inspector in charge. Removal of animals from the premises of licensed establishments will be permitted by the inspector in charge under the following conditions, provided it is accomplished in such a manner as will preclude the dissemination of disease:

(a) Animals that are not in a healthy condition as determined by veterinary inspection, except when affected with a communicable disease, may be removed from licensed establishments for immediate slaughter in an abattoir operated under Federal inspection pursuant to the Meat Inspection Act (21 U. S. C. and Sup. 71 et seq.) if they are transported thereto by truck, wagon, or similar means, and not by rail: *Provided*, They are properly marked for identification and the inspector in charge of meat inspection is given due notice in advance. If such an abattoir is not accessible, the slaughter of said animals may be conducted if any convenient nonfederally inspected establishment provided the licensee signifies willingness in writing to dispose of the carcasses in compliance with the Meat Inspection Act and under the provisions of the meat inspection regulations (9 CFR, Chapter I, Subchapter A, as amended), and veterinary inspection as directed by the inspector in charge.

(b) Hogs that are in a healthy condition as determined by veterinary inspection may be removed from licensed establishments provided they are or have been treated or vaccinated and disinfected as prescribed in the regulations. Such hogs need not be treated or vaccinated or disinfected when removed for immediate slaughter at an abattoir operated under Federal inspection pursuant to the Meat Inspection Act (21 U. S. C. and Sup. 71 et seq.) or when removed to a public stockyard from which no hogs are permitted to be removed, without treatment or vaccination and disinfection under supervision of a Federal inspector, for purposes other than immediate slaughter. When hogs are removed to abattoirs or public stockyards without treatment or vaccination and disinfection as aforesaid, the licensee shall furnish the Bureau with a certificate from the consignee of the animals at the abattoir or public stockyards showing their slaughter therein or receipt thereby, respectively. If the animals are not disinfected, they shall not be transported by rail or driven over public highways which are not traversed by animals from stockyards or similar places.

(c) Calves that are in a healthy condition as determined by veterinary inspection may be removed from licensed establishments after disinfection as described in § 117.12 (a). When removed to an abattoir without passing through stockyards or over public highways which are not traversed by animals from public stockyards or similar places, the animals need not be so disinfected, provided the licensee furnishes the inspector in charge a statement from the consignee of the animals certifying that the animals will be slaughtered in an abattoir named in the certificate.

(d) Pigs which survive inoculation and exposure to hog-cholera virus for the production of hog-cholera virus, and surviving control pigs in tests of anti-hog-cholera serum, may be removed from licensed establishments not earlier than 14 days subsequent to the time of inoculation and exposure as aforesaid, provided they are healthy, as determined by veterinary inspection, are treated as described in § 117.11 and are disinfected as set forth in § 117.12, except that when removed for immediate slaughter or to public stockyards or to feed lots approved by the Chief, said animals need not be so treated or disinfected. Other surviving pigs in tests of anti-hog-cholera serum and hog-cholera virus may be removed at the conclusion of the test period, subject to the conditions prescribed in this paragraph.

(e) Hyperimmune hogs or those similarly treated may be removed from licensed establishments not earlier than 14 days subsequent to the time of hyperimmunization or inoculation: *Provided*, They are healthy, as determined by veterinary inspection, and are disinfected as prescribed in § 117.12, except that when removed for immediate slaughter or to public stockyards they may be removed after 10 full days and need not be so disinfected.

§ 117.11 *Hogs; treatment prior to removal.* All hogs which require treatment or vaccination as provided in § 117.10 shall be treated with either serum alone or by the simultaneous-inoculation method, as follows:

(a) When serum alone is used, it shall have been prepared and released for marketing at an establishment holding a license from the Secretary and the dose employed shall conform to that required by the regulations.

(b) When the simultaneous-inoculation method is used, the serum and virus used shall have been prepared at an establishment holding a license from the Secretary and the doses shall be not less than those required by the regulations. After receiving this treatment they shall be held under the supervision of an inspector for a period of at least 14 days.

§ 117.12 *Disinfection before removal.* All animals which require disinfection as provided in § 117.10 shall be treated as follows:

(a) The feet, legs, and soiled portions of the body of calves to be removed from the licensed establishments shall be cleaned and disinfected with a 2 percent aqueous solution of cresol compound, U. S. P., or substitute therefor approved by the Chief and the animals shall then be held in noninfectious pens on the

premises of the establishment until they are dry before being loaded for transportation.

(b) Hogs shall be disinfected in a 2-percent aqueous solution of cresol compound, U. S. P., or substittue therefor approved by the Chief, and shall be held in noninfectious pens on the premises for at least 3 hours before being loaded for transportation, and after disinfection they shall not be exposed to infectious pens, chutes, and the like. Hogs transported in trucks, wagons, or by similar means may be removed as soon after disinfection as they are observed by the inspector to be dry.

§ 117.13 *Other requirements.* All animals used in licensed establishments in the preparation or testing of veterinary biological products shall meet such requirements consistent with the regulations in this subchapter as may be prescribed by the Chief to prevent the preparation and sale of any worthless, contaminated, dangerous, or harmful biological products.

PART 118—HOG-CHOLERA VIRUS

GENERAL REQUIREMENTS

Sec.

HYPERIMMUNIZING VIRUS

SIMULTANEOUS VIRUS

GENERAL REQUIREMENTS

§ 118.1 *Supervision.* No operations incident to the production of hog-cholera virus in a licensed establishment shall be conducted without the knowledge or supervision of an inspector. The licensee shall notify the inspector in charge or his assistant a reasonable time in advance whenever any operations, including overtime work, are to be conducted in the licensed establishment.

§ 118.2 *Temperatures and inspection.* Pigs which are used in the production of hog-cholera virus at a licensed establishment shall be healthy, and the temperature of each animal shall be accurately taken and permanently recorded by the licensee immediately before inoculation when in the opinion of the inspector in charge this is necessary to determine the health of the animals. Each animal shall be subjected to thorough veterinary inspection immediately prior to inoculation. Temperatures of all pigs shall be accurately taken and recorded by the licensee each day subsequent to the fourth day after inoculation and at such other times as the inspector in charge may require. The temperatures of pigs that are slow or visibly sick on any working day shall be taken and recorded in like manner.

§ 118.3 *Inoculation virus.* Pigs for the production of inoculation virus at a licensed establishment shall weigh not less than 40 pounds nor more than 125 pounds each and shall be inoculated only with highly virulent hog-cholera virus. No hog-cholera virus shall be used for inoculating pigs for the production of inoculating virus, hyperimmunizing virus, or simultaneous virus for inoculating pigs in serum tests, unless it has been produced not more than 60 days prior to use and since its completion has been held only in containers of the borosilicate or equal type. These containers shall be of high resistance and low alkalinity, shall be properly marked for identification, shall be guaranteed by the manufacturer to be acceptable to the Bureau, and shall meet the tests developed by the Bureau for determining these qualities. Other virus may be made suitable for inoculation purposes only by passing it through pigs as prescribed in § 121.3 of this chapter. Virus derived from these pigs may be used for hyperimmunization if the animals react as prescribed in § 118.4.

§ 118.4 *Bleeding.* Pigs from which blood is to be collected for the production of hog-cholera virus at a licensed establishment shall be bled only after they have had veterinary inspection and have manifested well-marked and increasingly grave symptoms of hog-cholera only, attended with progressively abnormal temperatures common to the acute type of this disease, and have been released by the inspector.

§ 118.5 *Post mortem examinations.* All pigs from which simultaneous virus is derived at licensed establishments shall be subjected to post mortem veterinary inspection. Post mortem examination of hyperimmunizing virus pigs shall be made by trained and competent employees of the licensee. However, in all cases the examinations will be conducted under veterinary inspection, and the inspector shall observe the examination of as many pigs as possible.

§ 118.6 *Recording of symptoms.* A properly applied and recorded "slow" mark on a day preceding a Sunday or holiday may be regarded as equivalent to visible sickness provided the temperature of each slow pig is taken and recorded and provided the temperature is markedly abnormal. In other circumstances the slow mark should not be regarded as equivalent to visible sickness, but should be regarded as a mark applicable to that transitional stage between normal behavior and distinct visible sickness.

§ 118.7 *Autopsies.* Autopsies shall be conducted at licensed establishments on a sufficient number of virus pigs that succumb to obtain all possible information as to the cause of death. Licensed-establishment employees shall perform the labor incident to these examinations under the supervision of an inspector.

§ 118.8 *Early visible sickness; disposition.* Pigs that become visibly sick within 3 days after they have been examined for admission to the premises of a licensed establishment as prescribed by § 117.7 of this chapter, or within 4 days when the third day falls on a Sunday or holiday, must be rejected and either shall be destroyed or handled as prescribed by § 117.10 of this chapter.

§ 118.9 *Defibrination and chilling.* All virus shall be defibrinated promptly after collection at a licensed establishment and immediately thereafter chilled and maintained at a temperature of not to exceed 45° F

§ 118.10 *Disposition of virus when condition unsatisfactory.* (a) Virus derived from pigs which on post mortem examination do not show lesions sufficient for the inspector to make a positive diagnosis of hog cholera, when considered with the ante mortem behavior of the animal, or from pigs which are found to be affected with any other infectious, contagious, or communicable disease or in such condition as to render the virus contaminated, shall be destroyed as provided in § 108.16 of this chapter under the supervision of an inspector. Virus passed by the inspectors may be destroyed as aforesaid at the discretion of the licensee.

(b) Virus derived from pigs which are found to be affected with tuberculosis shall not be marketed but shall be destroyed, as provided in § 108.16 of this chapter, under the supervision of an inspector, unless the lesions are slight or localized and are calcified or encapsulated.

(c) Samples of blood from pigs which on post mortem examination show evidence of concurrent affection with other disease, except highly communicable diseases referred to in § 117.5 of this chapter, together with well-defined lesions of hog cholera, may be released by the inspector to the licensee for bacteriological examination. Blood free from highly communicable diseases as aforesaid which is deemed satisfactory by the licensee after bacteriological examination may be used for hyperimmunizing purposes.

§ 118.11 *Removal of hog-cholera virus.* Hog-cholera virus shall not be removed from the premises of a licensed establishment unless the virus has been prepared and handled in accordance with the provisions of the regulations.

§ 118.12 *Filling and labeling containers.* No immediate or true container of hog-cholera virus shall be filled in whole or in part, and no label shall be

affixed to such container, except under the supervision of an inspector.

HYPERIMMUNIZING VIRUS

§ 118.25 *Inoculations for hyperimmunizing virus.* For use in the production of hyperimmunizing virus, licensees shall inoculate healthy young pigs weighing not more than 160 pounds each with at least 2 cc. of highly virulent hog-cholera virus: *Provided,* That when hog cholera from pen infection is manifested by the animals after the fourth day subsequent to admission to the premises of the licensed establishment, they need not be so inoculated.

§ 118.26 *Requirements for hyperimmunizing virus.* Hyperimmunizing virus shall be collected at licensed establishments only from pigs which are observed on veterinary inspection to be visibly sick with hog cholera and which manifest well-marked and increasingly grave symptoms thereof attended with progressively abnormal temperatures common to the acute type of this disease.

SIMULTANEOUS VIRUS

§ 118.30 *Inoculations for simultaneous virus.* For use in the production of simultaneous virus, licensees shall inoculate young healthy pigs of good quality with at least 2 cc. each of highly virulent virus. Such pigs when inoculated shall weigh not less than 40 pounds nor more than 125 pounds.

(b) Pigs which are eligible only for the production of hyperimmunizing virus shall be inoculated and held in separate pens from those to be used for simultaneous virus. Such separation shall be made on or before the third day after inoculation and such pigs held thereafter in separate pens until released by the inspector.

§ 118.31 *Sickness and records thereof.* Simultaneous virus shall not be collected at licensed establishments from pigs which become visibly sick on or before the third day, or subsequent to the seventh day, after the time of inoculation. The physical condition of all pigs from which simultaneous virus is to be collected shall be recorded daily on and after the third day subsequent to inoculation.

§ 118.32 *Requirements for simultaneous virus, etc.* (a) Simultaneous virus and other hog-cholera virus intended for the inoculation of pigs for any purpose shall be collected at licensed establishments only from pigs which are observed by an inspector to be visibly sick with hog cholera within 7 days after the time of inoculation and which manifest well-marked and increasingly grave symptoms of hog cholera attended with progressively abnormal temperatures common to the acute type of this disease.

(b) Simultaneous virus shall be prepared in licensed establishments in batches of not to exceed 50,000 cc. The defibrinated blood in each batch shall not exceed 45,000 cc. and shall be mixed thoroughly in a single container before phenolization. All simultaneous virus shall be constantly agitated during the bottling operation.

§ 118.33 *Samples of simultaneous virus.* The following representative samples of simultaneous virus shall be taken at licensed establishments and properly identified by an inspector: (a) At time of mixing but before phenolization, (1) "purity test sample" of not less than 30 cc. in a single container, (2) "test sample A" of not less than 5 cc. in a single container; (b) After mixing and phenolization, (1) "phenol test sample" of not less than 30 cc. in one container, (2) one reserve sample of 30 cc. to be forwarded to the Bureau in event the pigeon or mouse test is unsatisfactory and to be returned to the licensee if tests of the sample are satisfactory, (3) "test sample B" of not less than 5 cc. in a single container; (c) At time of bottling, a "stock sample" of at least 30 cc. in one container. All "A" and "B" test samples shall be held at approximately 75° F. under Bureau lock until used. All other samples shall be held under Bureau lock at 35° to 45° F.

§ 118.34 *Phenolization.* Simultaneous virus blood which has been thoroughly mixed after withdrawal of the purity test sample and test sample A shall have added to it a sufficient quantity of a 5-percent solution of phenol so that the virus will contain one-half of 1-percent phenol by volume. This phenolization must be accomplished with accuracy and in a manner which will prevent undesirable changes in the product.

§ 118.35 *Holding of simultaneous virus.* Simultaneous virus which has been mixed and phenolized at licensed establishments as provided in the regulations, together with the virus-stock sample, shall be held under Bureau lock as provided under § 102.77 (c) of this chapter until the tests required by the regulations have been completed and have shown the virus to be free from contamination: *Provided,* That simultaneous virus which will not reach its destination before tests are concluded or which is exported to a foreign country may be released prior to the conclusion of said tests.

§ 118.36 *Disposition of samples of simultaneous virus.* At least one container of the stock sample of simultaneous virus shall be held at the licensed establishment unopened in the manner provided in § 102.77 (c) of this chapter for at least 3 months after the latest expiration date shown upon the labels affixed to the immediate or true containers of the product corresponding to the sample.

§ 118.37 *Test animals.* Two healthy calves, with mouths free from abrasions, as described in § 117.3 of this chapter, or three healthy pigs immunized by the simultaneous treatment against hog cholera for at least 14 days, shall be furnished for intravenous injection with the purity test sample. These animals shall be given veterinary inspection immediately before the test is begun. All animals used for the testing of simultaneous virus shall be injected only under the supervision of an inspector and shall be marked as provided in the regulations. All test animals shall be given veterinary inspection as frequently as practicable during the test period to determine whether any symptoms or lesions of a vesicular or other disease develop.

§ 118.38 *Purity test of simultaneous virus.* Each of the animals selected for testing the purity of simultaneous virus at licensed establishments shall be injected with 15 cc. of the purity-test sample into either the auricular or the jugular vein within 1 day after the first virus in the batch is collected.

§ 118.39 *Holding test animals.* Animals inoculated for the purpose of determining the purity of simultaneous virus at licensed establishments as provided in § 118.38 shall be held under the observation of a Division employee at least 7 days. Should foot-and-mouth disease appear in the United States the said animals shall be held under the observation of inspectors for at least 10 days.

§ 118.40 *Test and retest.* If none of the animals which are treated with hog-cholera virus as prescribed in § 118.38 manifests symptoms of any infectious, contagious, or communicable disease, or if only one animal develops hog cholera, the test will be declared "satisfactory for purity," and the product released for marketing; *Provided,* It is otherwise satisfactory under the provisions of the regulations. Should any of the animals in the test succumb or should more than one develop hog cholera, another test may be made as in the first instance, except that not less than 15 cc. of the phenolized virus shall be used for the inoculation of each animal.

§ 118.41 *Swine erysipelas.* Representative samples of each batch or serial of simultaneous virus shall be tested at licensed establishments as follows to determine its freedom from swine erysipelas (Erysipelothrix rhusiopathiae)

(a) Within 1 day after the first virus in the batch is collected, at least 1 cc. of test sample A shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of five or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 10 or more days after being injected with the virus under test.

(b) Three or more days after phenolization of the batch of virus, at least 1 cc. of test sample B shall be injected intramuscularly into each of three or more young pigeons or 0.2 cc. of such sample shall be injected subcutaneously into each of five or more suitable mice susceptible to swine erysipelas. These test animals and birds shall be held under the observation of an inspector for 7 or more days after being injected with the virus under test.

(c) If all test animals and birds injected with test sample A survive for 10 days or more, and all test animals and birds injected with test sample B survive for 7 days or more, after injection, the batch or serial represented by the samples may be marketed if it otherwise conforms to the requirements of the regulations.

(d) Should any of the inoculated animals or birds die during the test, the product shall not be released for marketing and the reserve 30-cc. sample shall be forwarded to the Bureau.

(e) All animals and birds, after being used once in the tests provided in this section, shall be killed and their carcasses, and all virus blood and simultaneous virus which are contaminated with Erysipelothrix rhusiopathiae shall be destroyed by incineration or tanking as provided in § 108.16 of this chapter.

§ 118.42 *Marking "U. S. Released."* Each immediate or true container of simultaneous hog-cholera virus produced at licensed establishments which has been tested and found not to be worthless, contaminated, dangerous, or harmful, may have a cap affixed which, if approved by the Chief, may bear the words "U. S. Released." These caps shall be affixed to the aforesaid containers only under the supervision of an inspector and shall be held under Bureau lock except when needed for this purpose. No simultaneous virus shall be released for marketing unless and until all information required by the regulations has been affixed to the containers thereof under supervision of an inspector. All simultaneous virus on which the expiration date has expired shall be destroyed as prescribed in § 108.16 of this chapter.

§ 118.43 *Expiration date.* The expiration date placed on the label of each immediate or true container of simultaneous virus produced at licensed establishments shall be one of the following:

(a) A date within 90 days after the first blood in the batch was collected: *Provided,* That the simultaneous virus is stored and marketed in containers acceptable to the Bureau;

(b) A date within 120 days after the first blood in the batch was collected when the product is marketed in containers described in § 118.3 and is to be exported to a foreign country and the containers thereof are labeled distinctively.

§ 118.45 *Minimum dosage and use.* Labels affixed to or used in connection with each immediate or true container of simultaneous virus produced at licensed establishments shall bear a dosage table in which the doses recommended are not less than those appearing in the following table:

Weight:	*Minimum dose (cc.)*
Pigs weighing 45 pounds or less	1
Pigs weighing more than 45 pounds	2

Each label shall bear instructions to use the virus only with anti-hog-cholera serum.

PART 119—ANTI-HOG-CHOLERA SERUM

GENERAL REQUIREMENTS

GENERAL REQUIREMENTS

§ 119.1 *Supervision of production of anti-hog-cholera serum.* No operation incident to the production of anti-hog-cholera serum at a licensed establishment shall be conducted without the knowledge or supervision of an inspector. The licensee shall notify the inspector in charge or the supervising inspector a reasonable time in advance whenever any such operations, including overtime work, are to be conducted in the licensed establishment.

§ 119.2 *Production principle.* Pigs that develop hog cholera of a well-marked and progressive type attended with progressively abnormal temperatures produce hog-cholera virus of high virulence, and when hogs properly immunized against hog cholera for a sufficient length of time are injected intravenously with massive quantities of such virus their blood serum possesses superior protective properties against hog cholera. Therefore, these facts should form the basis of all methods of producing anti-hog-cholera serum and hog-cholera virus as well as of all the regulations governing their production.

HYPERIMMUNE HOGS

§ 119.3 *Required period of immunity.* Anti-hog-cholera serum shall be derived at licensed establishments only from hyper-immune hogs which have been immune to hog cholera for at least 90 days prior to hyperimmunization.

§ 119.4 *Health, weight, and temperature when hyperimmunized.* Hogs which are used to produce anti-hog-cholera serum at licensed establishments shall be healthy at the time of hyperimmunization, and this fact shall be determined by a thorough veterinary inspection. The temperature and weight of each animal in a given group shall be determined and recorded accurately by the licensee before hyperimmunization of the group.

§ 119.5 *Dosage of virus.* All hogs which are used to produce anti-hog-cholera serum at licensed establishments shall receive, for hyperimmunization, a single intravenous injection of at least 5 cc. of hog-cholera virus for each pound of the animal's weight when injected.

§ 119.6 *Temperatures before bleeding.* The temperatures of the hogs in each group or lot used to produce anti-hog-cholera serum at licensed establishments shall be determined under normal handling conditions and recorded accurately by the licensee either on the afternoon before, or on the day of, bleeding and at such other times as the inspector may require. There shall be provided clean, light quarters equipped with a satisfactory chute and all other facilities for expediting temperature taking and veterinary inspection.

§ 119.7 *Inspection before bleeding.* All hogs which are used to produce anti-hog-cholera serum at licensed establishments shall be subjected to a thorough veterinary inspection before each bleeding. Groups containing any hogs that are lame or otherwise suspected of being affected with a vesicular disease shall be given special examination for vesicles and the like after thorough cleansing of their feet, including examination of the coronary bands, snouts, and lips. Only those hogs which are found to have a temperature of less than 104° F and are free from any infectious, contagious, or communicable diseases or other abnormal conditions shall be bled for serum. No hyperimmune hog in a lot or group of like origin having a significant number of high temperatures or showing other abnormalities indicative of an infectious or communicable disease shall be subjected to bleeding until such conditions of the lot or group as a whole no longer exist.

§ 119.8 *Bleeding and examination.* (a) Anti-hog-cholera serum shall be derived at licensed establishments only from hyperimmune hogs which have been subjected to not more than four successive bleedings, except that additional bleedings may be authorized by the Chief in emergencies. The first bleeding shall take place not earlier than the eleventh day after hyperimmunization; subsequent bleedings shall not take place more frequently than once in 7 days; and the last bleeding shall be made on a date not later than 40 days after hyperimmunization: *Provided,* That, in emergencies, final bleeding may be deferred when specifically authorized by the Chief.

(b) Autopsies shall be performed at licensed establishments on hyperimmune hogs that succumb in order to obtain, if possible, information as to the cause of

death. Employees of the licensed establishment, under the supervision of an inspector, shall perform the labor incident to these examinations.

(c) Anti-hog-cholera serum derived at licensed establishments from final bleedings shall be kept separate from other serum until it has been determined by post mortem examination that the hog from which the serum is derived was not so affected with any infectious, contagious, or communicable disease or in such condition as to render the serum worthless, contaminated, dangerous, or harmful.

§ 119.9 *Constitutional symptoms.* Anti-hog-cholera serum derived at licensed establishments from hogs which, after hyperimmunization, manifest symptoms indicative of an affection of a constitutional character other than those usually observed immediately following hyperimmunization shall not be mixed with other serum, unless after due consideration of the prevailing conditions, this action is permitted by a veterinary inspector. Such serum, if collected only from hogs as prescribed in § 119.8, may be prepared separately and tested as prescribed in the regulations and if, as a result of these tests, the product is found satisfactory, it may be marketed. Otherwise, the serum shall be destroyed as provided in § 108.16 of this chapter under the supervision of an inspector.

§ 119.10 *Post mortem examination.* (a) All hogs from which anti-hog-cholera serum is derived at licensed establishments shall be subjected, after final bleeding, to a thorough post mortem examination by an inspector. If, as a result of such inspection, it is found that any hog is so affected with any infectious, contagious, or communicable disease or is in such condition as to render the serum worthless, contaminated, dangerous, or harmful, the serum collected from such hog shall be destroyed by the licensee, as provided in § 108.16 of this chapter under the supervision of an inspector.

(b) If serum-producing hogs at a licensed establishment become exhausted as a result of tail bleeding, dressing of the animals may be permitted provided they are given veterinary inspection immediately before throat bleeding and provided the animals bleed properly. The carcasses of such hogs may be dressed for food if disposition thereof is made in accordance with the meat inspection regulations (9 CFR Chapter I, Subchapter A, as amended) The blood of such animals may be used for serum if the tail and throat bleeding operations are such that no more time elapses between tail bleeding and throat bleeding than is necessary for removing the animals from the tail-bleeding station and restraining them at a regular throat-bleeding station.

ANTI-HOG-CHOLERA SERUM PREPARATION PROCEDURE

§ 119.20 *Heating; time and conditions.* All anti-hog-cholera serum produced at licensed establishments shall be heated under the supervision of an inspector in such a manner as to subject the product and the entire container thereof to a temperature of 58.5° C. for 30 minutes with a tolerance of 0.5° above and below that temperature, by methods prescribed by the Chief.

§ 119.21 *Heating containers.* Metal containers of a capacity not to exceed 50 liters shall be used in heating anti-hog-cholera serum at licensed establishments. Such containers shall be equipped with satisfactory agitators, and facilities for cooling and preserving the product shall also be provided. All serum shall be handled prior to heating so that practically all "foam" is eliminated before beginning the heating process and shall be properly agitated while being heated, cooled, and preserved. Each container of serum at time of heating shall be so submerged that the water line in the bath will be at least 2 inches above the upper surface of the lid. No container or other equipment intended for heating, cooling, preserving, and storing serum shall be used unless it is acceptable to the inspector in charge.

§ 119.22 *Heating and cooling; instructions.* The temperature of the bath in which serum is heated at licensed establishments shall not be permitted to exceed 62° C. The temperature of the serum shall be reduced as rapidly as possible to 12° C. or lower after heating. The temperatures of the serum and the water in the bath shall be accurately determined and recorded by the use of automatic recording thermometers. A separate recording thermometer shall be used for each container of serum during the heating and cooling operations. Such parts of heating and cooling equipment as it may be necessary to seal to insure that actual temperatures of the product and the water bath are properly recorded shall be sealed effectively by an inspector. Bulbs and other parts of thermometers which are placed within the serum container shall be submerged in a 5-percent phenol solution, or substitute permitted by the Chief, at all times when not in use for taking temperatures.

§ 119.23 *Instructions for preparation of anti-hog-cholera serum*—(a) *Definitions.* When used in this section, the following terms shall be construed to have the meanings hereby assigned.

(1) *Group number.* The number used to identify a group of hyperimmune hogs not in excess of 175, the blood of which is clarified and identified as one lot or as a fraction of a lot.

(2) *Class of bleeding.* The bleedings of hyperimmune hogs. First, second, third, and throat or carotid bleedings shall be identified by the letters A, B, C, and D, respectively.

(3) *Working unit.* The net quantity of hyperimmune blood in each container used as a basis of clarification.

(4) *Preserved serum.* True serum and permitted clarifying solutions recovered in the centrifugation of hyperimmune blood, preserved in compliance with the regulations.

(5) *Completed serum.* A combination of the different classes of preserved serum mixed in batches in such proportions as will equalize the potency of said classes.

(6) *Finished serum.* Completed serum which is bottled, tested, and fully labeled for marketing.

(7) *Number.* The number of hyperimmunes in any group, subjected to bleeding, to supply blood of a given class.

(8) *Weight.* The total weight, at the time of hyperimmunization, of all the hogs in the group that are bled in each class.

(9) *Lot number.* The identification number of the preserved serum produced from blood collected from one or more groups consisting of a total of not more than 175 hyperimmune hogs.

(10) *Batch.* Preserved serum mixed in a single container as required by the regulations.

(11) *Division rate.* The proportion which the total quantity of preserved serum of each class of bleedings bears to the total quantity in a lot.

(12) *Remainder.* The unused preserved serum of all classes remaining after one or more batches have been prepared from a lot.

(b) *General provisions.* (1) The composition of each lot of anti-hog-cholera serum shall be recorded by the licensee on a form acceptable to the Chief.

(2) The average yield of blood per pound for each class of bleedings shall be entered in the hyperimmune record in connection with the weight for the class.

(3) The quantity of blood treated with clarifying solutions in a single container shall not exceed 25,000 cc. All clarifying solutions shall be added to the working unit.

(4) All of the preserved anti-hog-cholera serum produced from the blood collected from a given group of hogs shall be placed in the same lot.

(c) *Rules and factors for computing yields of anti-hog-cholera serum.* The following rules and factors shall be used by licensed establishments in computing yields of anti-hog-cholera serum. When defibrinated hyperimmune blood is used, the total quantities in the lot shall constitute the basis for making the following computations.

(1) To find the quantity of true serum in the lot, subtract the sum of the quantities of clarifying solutions and preserving solution from the total quantity of preserved serum.

(2) To find the percentage of true serum recovered from the defibrinated blood, divide the total quantity of true serum by the total quantity of defibrinated blood used.

(3) To find the maximum production permissible when the true serum recovered represents 73.04 percent or less of the defibrinated blood used, divide the total quantity of true serum by 0.83.

(4) To find the maximum production permissible when the true serum recovered represents more than 73.04 percent of the defibrinated blood, multiply the total quantity of defibrinated blood used by 0.83. In determining the concentration of phenol solution to be selected in preserving "Serum recovered

(gross)" prepared from defibrinated blood, the following table shall be used:

Serum recovered (gross) compared with defibrinated blood	True serum recovered compared with defibrinated blood	Preserving solutions (phenol) required
Percent	*Percent*	*Percent*
77.4666	73.6666	7.5
78.85	74.85	10
82.0469	78.0469	50

The figures in such table show the maximum yields that may be preserved with the different solutions without exceeding 83 percent of the defibrinated blood used, provided the clarifying solutions are exactly 4 percent of this blood. The figures for "Serum recovered (gross)" will vary as the clarifying solutions are permitted to vary from 4 percent.

(5) To find the division rates for the different classes of bleedings, divide the preserved serum in each class by the total quantity of preserved serum in the lot. Each rate shall be expressed as a decimal fraction and contain either three or six figures. A division rate of three figures may only be used, provided the last three of six figures are regarded as 1 and added to the third figure when they represent 501, or more and disregarded when they represent 500, or less. For example, 0.195501 shall be recorded and used as 0.196 and 0.184500 shall be recorded and used as 0.184.

(6) To find the percentage of true serum in the completed serum of a lot, divide the total net quantity of true serum used by the total quantity of preserved serum mixed.

(7) To find the percentage of completed serum as compared with the total quantity of defibrinated blood, divide the total quantity of completed serum by the total quantity of defibrinated blood used.

(8) To find the total weight of hyperimmune hogs used or bled, find the combined weights taken at the time of hyperimmunization for the hogs actually bled for each class of bleedings.

(9) To find the yield of defibrinated blood per pound of hyperimmune hogs, divide the total quantity of defibrinated blood collected from each class of bleedings of hyperimmune hogs by the total weight of the animals bled. The sum of these results for all bleedings combined will represent the yield of defibrinated blood per pound.

(10) To find the yield of completed serum per pound of hyperimmune hogs, divide the total quantity of completed serum by the total pounds of hyperimmune hogs used.

(d) *Preparing batches.* The following instructions shall be observed by licensed establishments in preparing batches of anti-hog-cholera serum:

(1) When not more than one batch of completed serum is to be prepared from the lot: Determine the net quantity of preserved serum mixed and the loss in handling.

(2) When two or more batches not to exceed 300,000 cc. each of completed serum equal or approximately equal in size are to be prepared from the lot: Divide the quantity of preserved serum of each class of bleedings in the lot by the number of batches that are to be prepared. The quotient will show the quantity of preserved serum of each class required for each batch. Proceed in the preparation of each batch as outlined in this section.

(3) When one or more batches of completed serum and a remainder are to be prepared from the lot: Determine the quantity of preserved serum of each class of bleedings required to make a batch of approximately 300,000 cc. of completed serum, and multiply the total quantity of preserved serum required by the division rate for each class. The results will show the quantity of preserved serum of each class required. Proceed with the preparation of the batch as outlined in this section. Proceed with the preparation of as many additional batches approximating 300,000 cc. each as may be possible from the lot as outlined in this section. The unused portions of a lot when they aggregate less than 300,000 cc. may be mixed together and tested and marketed as a batch, or shall be identified as "Remainder of Lot No. ____" and be made a part of the next batch mixed.

(4) When more than one batch of completed serum is to be prepared from the lot and a remainder is to be used: Determine the quantity of preserved serum of each class required to make a fraction of a batch of completed serum which, when added to the remainder, will approximate 300,000 cc., by subtracting from 300,000 cc., the quantity of preserved serum derived from the remainder. The difference will show the theoretical quantity of preserved serum that may be added to the remainder to make a batch of approximately 300,000 cc. of completed serum. Proceed with the preparation of the fraction of the batch as outlined in this section. Add the remainder to the completed fraction of the batch to find the quantity of completed serum in the batch. Proceed with the preparation of as many additional batches approximating 300,000 cc. each as may be possible from the lot as outlined in this section.

(5) When only one batch of completed serum is to be prepared from the lot and a remainder is to be used: Prepare the fractional part of the batch as outlined in this section. Add the remainder to the fraction to find the quantity of completed serum in the batch.

(6) Batches larger than 300,000 cc.. Such batches shall be prepared by mixing in a single container all preserved serum derived from one or more properly identified whole groups totaling not more than 175 hogs.

§ 119.24 *Batches; determination of quantity.* Anti-hog-cholera serum which is to constitute a batch or portion thereof may be strained into a single container, after which the quantity should be accurately determined.

§ 119.25 *Phenolization.* (a) Anti-hog-cholera serum produced at licensed establishments shall have added thereto a sufficient quantity of a 7½ percent solution of phenol to make the completed serum consist one-half of 1 percent of phenol by volume: *Provided,* That either a 10 percent phenol solution or a solution containing equal parts by weight of phenol and ether may be used when yields or methods require this as a means to keep the total quantity of serum produced from a given quantity of blood within requirements of the regulations. When a 10 percent phenol solution is used, at least 10 percent of its volume shall be glycerin.

(b) To preserve serum properly, the following procedure shall be observed:

(1) When a 7.5 percent solution is used, divide the quantity of serum by 14.

(2) When a 10 percent solution is used, divide the quantity of serum by 19.

(3) When the phenol-ether solution, mentioned above, is used, divide the quantity of serum by 86.

(c) Phenolization of anti-hog-cholera serum must be accomplished with accuracy, and in a manner which will prevent the occurrence of undesirable changes in the product. In every case the concentration and quantity of each solution used in preserving the serum shall be recorded by the licensee.

§ 119.26 *Mixing and holding.* Anti-hog-cholera serum, prior to testing, at licensed establishments shall be thoroughly mixed in a single container into batches of not more than 300,000 cc. composed of proper proportions of the different classes of bleedings as provided in the regulations: *Provided, however,* That larger batches may be prepared by mixing in a single container all serum derived from one or more properly identified whole groups of hyperimmune hogs totaling not more than 175 hogs. Until the serum is released by an inspector, it shall be held under Bureau lock except when being processed.

§ 119.27 *Samples.* After a batch of anti-hog-cholera serum is thoroughly mixed in a single container, at a licensed establishment, a representative sample consisting of at least 300 cc. shall be collected in three containers of not less than 100 cc. each, to be known as the "serum test sample." This sample shall be taken, properly labeled, marked by an inspector, and held under Bureau lock. One of the three containers shall be marked "stock sample" and held under Bureau lock for at least 6 months after the latest expiration date shown on the labels affixed to the immediate or true containers of the serum of which this sample is a part.

§ 119.28 *Disposition of samples.* Unused samples of anti-hog-cholera serum prepared at licensed establishments on which the expiration date has passed 6 months previously may be labeled and marked in the regular manner, provided this procedure is approved by the inspector in charge and the serum is at that time tested and found satisfactory for potency and purity, and such labeling and marking is done within 3 years after the oldest serum in the batch is collected. When these conditions are not met, and it is desired to market the serum, the samples shall be mixed and assigned a serial number. This mixture may be tested alone or it may be mixed with other untested serum and tested as prescribed in the regulations: *Provided,* That the samples shall not constitute more

than 50 percent of the serum contained in the final mixture. The expiration date to be affixed to the containers of mixtures of unused samples shall not exceed 1 year from the date of conclusion of a satisfactory test for potency.

TESTING ANTI-HOG-CHOLERA SERUM

§ 119.50 *Tests required.* All anti-hog-cholera serum produced at licensed establishments shall be tested for purity and potency as prescribed by the regulations. Special tests may be authorized by the Chief under § 114.2 of this chapter.

§ 119.51 *Test pigs.* Licensees shall furnish all pigs used in testing anti-hog-cholera serum. Eight healthy pigs, susceptible to hog cholera and weighing not less than 40 pounds nor more than 90 pounds each, shall be used for testing each batch of serum consisting of 300,000 cc. or less. Batches consisting of more than 300,000 cc. shall be tested on 11 healthy pigs in lieu of 8. The inspector supervising the test shall indicate the pigs which shall receive anti-hog-cholera serum with hog-cholera virus and those which shall receive the virus only.

§ 119.52 *Dosage in tests.* Each pig furnished at licensed establishments for testing anti-hog-cholera serum shall be injected with 2 cc. of hog-cholera virus. Three pigs in each test shall receive no serum and shall serve as controls. The remaining pigs in the test shall receive 15 cc. each of the serum to be tested. The virus and serum injections shall be made simultaneously, the virus being injected in the left axillary space, and the serum in the right. Each of the pigs in the test shall be injected with virus of the same serial number, the virus to be selected and administered by an inspector.

§ 119.53 *Handling test pigs.* All surviving pigs used for testing a batch of serum at a licensed establishment shall be subjected to the same conditions throughout the test period and shall be held in a single pen or inclosure throughout this period, except that when it is evident that a particular serum test will be declared "no test" or "unsatisfactory for potency," the test pigs, with the permission of the supervising inspector, may be removed from the original test pen and placed with other pigs of the same class in a common pen for the purpose of releasing pen space for other tests.

§ 119.54 *Observation and holding period; test pigs.* The period for holding surviving pigs under the observation of an inspector, at licensed establishments, while being used for testing the potency and purity of anti-hog-cholera serum as described in the regulations, shall be not less than 14 days immediately following their inoculation for this purpose and as much longer as the inspector in charge deems necessary to render proper judgment on the results of the tests. Such pigs shall not be removed from the test unless and until released by the supervising inspector, who will permit their removal only after they have served their purpose in the prescribed tests.

§ 119.55 *Temperatures; test pigs.* The temperature of each pig used in a test of anti-hog-cholera serum at licensed establishments shall be taken and recorded shortly before such test is started. Temperatures of control pigs and "slow" or sick serum-treated pigs in serum tests, except known "unsatisfactory tests" and "no tests," shall be taken and recorded daily throughout the test period on regular work days and such other days as the inspector in charge may direct when it appears desirable for proper disposition of the test. When pigs in tests do not manifest "slowness" or symptoms of sickness, their temperatures need not be taken except when required by the inspector in charge to determine more accurately the physical condition of the animals under observation.

§ 119.56 *Virus required.* Simultaneous virus or its equivalent, as described in § 118.3 of this chapter, in sufficient quantities to meet the needs shall be furnished by licensed establishments for use as the inspector in charge may deem advisable for inoculating pigs in serum tests. Hog-cholera virus furnished by the Bureau shall be used in inoculating pigs in tests whenever the inspector in charge deems this procedure advisable, and whenever conditions in previous tests of any batch of serum have indicated some deficiency in either the virus or serum used.

§ 119.57 *Principle for judging results of tests.* The following principle and the rules in § 119.58 are to be used as guides in judging the results of serum tests at licensed establishments:

It is practically impossible in many cases to differentiate accurately between hog cholera, pneumonia, and other conditions affecting hogs without the aid of an autopsy as well as laboratory techniques and experiments to determine the causative agent responsible for the condition. Therefore, when healthy pigs are selected for testing anti-hog-cholera serum any abnormal condition in the pigs subsequent to their inoculation shall be regarded as due either to the virus used or, in serum-treated pigs, to the fact that the serum does not protect, unless the condition is definitely known or can be shown to be due to some other cause.

§ 119.58 *Rules for judging results of test.* The following rules shall apply at licensed establishments in judging anti-hog-cholera serum tests described in the regulations.

(a) *Control pigs.* The purpose of control pigs in serum tests is to furnish information as to the virulence of the virus used for inoculating the animals and to indicate whether the pigs furnished are susceptible to hog cholera. As an aid in determining the fulfillment of this purpose the following conditions shall obtain:

(1) At least two of the control pigs shall become visibly sick of hog cholera subsequent to the third day of the test period or the fourth day, if the third day falls on a Sunday or holiday, and within 7 days after the test is begun.

(2) At least two of the control pigs which become sick as described in subparagraph (1) of this paragraph shall manifest well-marked and increasingly grave symptoms of hog cholera attended with progressively abnormal temperatures common to the acute type of this disease.

(3) At least two of the control pigs which become sick as described in subparagraphs (1) and (2) of this paragraph shall show lesions upon post mortem examination sufficient for the inspector to make a positive diagnosis of hog cholera, when considered with the ante mortem behavior of these animals.

(b) *Test; conditions under which serum to be declared "satisfactory for potency."* Serum will be declared "satisfactory for potency" when at least two of the control pigs react as described in paragraph (a) of this section and either of the following conditions obtains:

(1) All the serum-treated pigs remain well throughout the test period.

(2) One or more of the serum-treated pigs become visibly sick after the time of inoculation and all fully recover before the test animals are released by the inspector. Such sick pigs, however, will not be regarded as fully recovered until they have been in an apparently normal condition for at least 3 consecutive days.

(c) *Test; conditions under which serum to be declared "unsatisfactory for potency."* Serum will be declared "unsatisfactory for potency" when at least two of the control pigs react as described in paragraph (a) of this section and the following condition obtains:

One or more of the serum-treated pigs became visibly sick subsequent to the third day after the time of inoculation, or the fourth day, if the third day falls on a Sunday or holiday, and fail to recover fully before the test animals are released by the supervising inspector.

(d) *Test; conditions under which serum to be declared "no test for potency."* Serum will be declared "no test for potency" when any one of the following conditions obtains, but such action will not prevent a retest under the provisions of the regulations:

(1) One or more of the serum-treated pigs become visibly sick on or before the third day after the time of inoculation, or the fourth day, if the third days falls on a Sunday or holiday, and fail to recover within the test period.

(2) Two or more of the control pigs become visibly sick on or before the third day after the time of inoculation, or the fourth day, if the third day falls on a Sunday or holiday.

(3) Two or more of the control pigs do not manifest symptoms of hog cholera as described in paragraph (a) of this section.

(4) Two or more of the control pigs do not show lesions of hog cholera upon post mortem examination as described in paragraph (a) of this section.

(5) Two or more of the control pigs manifest symptoms of hog cholera within 7 days as described in paragraph (a) of this section but do not become sick to the degree described in said paragraph.

(6) Any of the serum-treated pigs develop, during the test period, symptoms of any infectious, contagious, or com-

municable disease (other than hog cholera) which is not caused by the serum used.

(7) A condition obtains in any of the test pigs which is not otherwise covered in this section.

(e) *Test; when serum to be declared "satisfactory for purity."* Serum will be declared "satisfactory for purity" when the following condition obtains:

Not more than one of the serum-treated pigs in a test develops an abscess at the site of the serum injection and no symptoms of any infectious, contagious, or communicable disease other than hog cholera are manifested by any of the animals in the test.

(f) *Test; conditions under which serum to be declared "unsatisfactory for purity."* Serum will be declared "unsatisfactory for purity" when either of the following conditions obtains:

(1) Abscesses which are not definitely known to be due to causes other than the serum used develop at the sites of the serum injections in more than one of the serum-treated pigs.

(2) During the test period any of the serum-treated test pigs develop symptoms of any infectious, contagious, or comunicable disease (other than hog cholera) which is due to the serum used.

(g) *Test; conditions under which serum to be declared "no test for purity."* Serum will be declared "no test for purity" when any one of the following conditions obtains, but such action will not prevent a retest under the provisions of the regulations.

(1) Two or more of the serum-treated pigs succumb within 14 days after the time of inoculation.

(2) Any of the serum-treated pigs develop, during the test period, symptoms of any infectious, contagious, or communicable disease (other than hog cholera) which is not caused by the serum used.

(3) A condition obtains in any of the test pigs which is not otherwise covered in this section.

§ 119.59 *Retests when serum found "unsatisfactory for potency."* When a test of anti-hog-cholera serum, prepared at a licensed establishment, has shown it to be "unsatisfactory for potency," the serum may be tested again as prescribed in § 119.51. Should this retest show the serum to be "unsatisfactory for potency" it may be so retested again, and if still found "unsatisfactory for potency" the serum shall be destroyed or otherwise disposed of as prescribed by the Chief.

§ 119.60 *Tests for purity.* Should abscesses develop at the sites of the serum inoculations in any of the pigs used at licensed establishments for testing serum as provided in this part, the following rules shall apply:

(a) Judgment of the results of tests made on pigs to determine the potency of anti-hog-cholera serum will be rendered irrespective of conditions found which are regarded as an index to the purity of the product.

(b) If anti-hog-cholera serum upon testing is declared "satisfactory for purity," and it is found necessary to subject the batch of serum to a retest to determine its potency, judgment concerning the purity of the product shall be based on the first test unless evidence is found subsequent to such test which indicates that the serum is contaminated.

§ 119.61 *Retests for purity.* (a) When anti-hog-cholera serum prepared at a licensed establishment has once been found "unsatisfactory for purity," as defined in § 119.58, it may be tested again for purity on eight pigs, provided each pig receives a single injection, in the axillary space, of at least 20 cc. of the product.

(b) When anti-hog-cholera serum produced at a licensed establishment has twice been found "unsatisfactory for purity," as defined in § 119.58, but is "satisfactory for potency," as provided in § 119.58, it may be tested again to ascertain whether it is contaminated with pus-producing organisms by treating 50 hogs on the premises of the licensed establishment. The serum shall be administered under the supervision of an inspector, and each hog treated shall receive a single injection, in the axillary space, of not less than 25 cc. of the product to be tested. Serum tested as provided in this paragraph shall be destroyed or otherwise disposed of or used as prescribed by the Chief.

§ 119.62 *Purity test animals; holding period.* Animals used for testing serum as provided in § 119.61 at licensed establishments shall be held under the supervision of an inspector for at least 14 days, and be carefully examined at the sites of inoculations to determine whether the serum has caused abscess formation.

§ 119.63 *Minimum dosage.* When anti-hog-cholera serum produced at licensed establishments, upon testing as provided in the regulations, is found "satisfactory for potency" and "satisfactory for purity," the product may be marketed if it is recommended for use in doses not less than those appearing in the following table:

Weight:	*Minimum dose (cc.)*
Sucking pigs	16
Pigs 20 to 40 pounds	24
Pigs 40 to 90 pounds	28
Pigs 90 to 120 pounds	36
Hogs 120 to 150 pounds	44
Hogs 150 to 180 pounds	52
Hogs 180 pounds and over	60

§ 119.64 *Marking anti-hog-cholera serum "U. S. Released."* Each immediate or true container of anti-hog-cholera serum produced at a licensed establishment, and which has been tested and found not to be worthless, contaminated, dangerous, or harmful may have a cap affixed which, if approved by the Chief, may bear the words "U. S. Released." These caps shall be affixed to the aforesaid containers only under the supervision of an inspector and shall be held under Bureau lock except when needed for this purpose.

§ 119.65 *Expiration date.* The expiration date shown on labels of anti-hog-cholera serum produced at licensed establishments shall not exceed 3 years from the date on which the first serum of the batch is collected, except as provided in § 119.66.

§ 119.66 *Extension of expiration date.* Should the expiration date of any batch of anti-hog-cholera serum produced at licensed establishments expire before the serum is used, the serum may be retested, and if found "satisfactory for potency" and "satisfactory for purity," as defined in § 119.58 (b) and (e) the expiration date may be extended for 1 year from the date of conclusion of the retest for potency. Should a batch of anti-hog-cholera serum not be found "satisfactory for potency" or "satisfactory for purity" before the expiration of 3 years from the date of collection of the oldest serum in the batch, or should it not be so found in time to allow it to be used before the expiration of said 3 years, the expiration date will be limited to 6 months from the date of conclusion of a satisfactory test for potency.

§ 119.67 *Requirements for filling and labeling.* No immediate or true container of anti-hog-cholera serum shall be filled in whole or in part, and no label shall be affixed to such a container at licensed establishments, except under the supervision of an inspector.

§ 119.68 *Conditions for release and removal.* Anti-hog-cholera serum shall not be removed from the premises of a licensed establishment unless it has been prepared as required by the regulations, and no such serum shall be released for marketing unless and until all the information required by the regulations has been affixed to the containers thereof under the supervision of an inspector.

PART 121 — ADMISSION OF BIOLOGICAL PRODUCTS AND MATERIALS TO LICENSED ESTABLISHMENTS

Sec.

§ 121.1 *Requirements re admission of biological products, etc., to licensed establishments.* Except as specifically authorized by the regulations, no biological product which has not been prepared, handled, stored, and marked in accordance with the regulations and no biological product which is worthless, contaminated, dangerous, or harmful shall be brought onto the premises of any licensed establishment.

§ 121.2 *Bureau virus and serum.* Hog-cholera virus and anti-hog-cholera serum prepared by the Bureau will be admitted to licensed establishments for use as prescribed in the regulations or as may be approved by the Chief.

§ 121.3 *Virus from outbreaks.* Hog-cholera virus procured from outbreaks of hog cholera on farms that are free from other communicable diseases will be admitted to licensed establishments by the inspector in charge when requested by the licensee for use in propagating a new strain of virus for inoculating purposes. Before such virus is used in the production of simultaneous virus or hyperimmunizing virus, it shall be injected into pigs weighing from 40 to 90 pounds to determine whether the purity and virulence of the product are satisfactory. The virus shall be passed through pigs as provided in the regulations until its virulence and purity are satisfactory; otherwise, the product shall be destroyed as provided in § 108.16 of this chapter.

§ 121.4 *Transportation between licensed establishments.* Anti-hog-cholera serum and hog-cholera virus, spleens, and other organs, collected in licensed establishments, and suitable for use under the regulations, may be transported from one licensed establishment to another or between units of the same establishment provided these products are properly packed. Such products and materials must be packed or iced so that a proper temperature will be maintained during transportation. The containers shall be sealed by an authorized inspector, and such seals shall be broken only by such an inspector at the point of destination; otherwise, the products and materials shall be refused admission at the licensed establishment to which transported.

PART 122—ORGANISMS AND VECTORS

Sec.
122.1 Permits required.
122.2 Application for permits.
122.3 Suspension or revocation of permits.

§ 122.1 *Permits required.* No organisms or vectors shall be imported into the United States or transported from one State or Territory or the District of Columbia to another State or Territory or the District of Columbia without a permit issued by the Secretary and in compliance with the terms thereof: *Provided,* That no permit shall be required under this section for importation of organisms for which an import permit has been issued pursuant to Part 102 of this chapter or for transportation of organisms produced at establishments licensed under Part 102 of this chapter. As a condition of issuance of permits under this section, the permittee shall agree in writing to observe the safeguards prescribed by the Chief for public protection with respect to the particular importation or transportation. Permits shall be numbered and shall be in the following form:

UNITED STATES VETERINARY PERMIT NO. ------

ORGANISMS OR VECTORS

Washington, D. C. ----------

Under authority of Act of Congress approved February 2, 1903 (32 Stat. 792, 21 U. S. C. 111) and Act of Congress approved March 4, 1913 (37 Stat. 832–833, 21 U. S. C. 151–158), ---------- is hereby authorized, so far as the jurisdiction of the Department of Agriculture is concerned, to (import or transport) ----------
from ---------- to ----------
via ----------.

This permit is issued under authority contained in § 122.1, Subchapter E, Chapter I, Title 9 CFR, and on the basis of the signed agreement of the permittee to use the organisms and their derivatives, or vectors, only for the purpose specified therein, and to dispose of them as directed by the U. S. Bureau of Animal Industry.

Secretary of Agriculture

Countersigned:

Chief, Bureau of Animal Industry

§ 122.2 *Application for permit.* The Secretary may issue, at his discretion, a permit as specified in § 122.1 when proper safeguards are set up as provided in § 122.1 to protect the public. Application for such a permit shall be made in advance of shipment, and each permit shall specify the name and address of the consignee, the true name and character of each of the organisms or vectors involved, and the use to which each will be put.

§ 122.3 *Suspension or revocation of permits.* (a) Any permit for the importation or transportation of organisms or vectors issued under this part may be formally suspended or revoked after opportunity for hearing has been accorded the permittee, as provided in Part 123 of this chapter, if the Secretary finds that the permittee has failed to observe the safeguards and instructions prescribed by the Chief with respect to the particular importation or transportation or that such importation or transportation for any other reason may result in the introduction or dissemination from a foreign country into the United States, or from one State, Territory or the District of Columbia to another, of the contagion of any contagious, infectious or communicable disease of animals (including poultry).

(b) In cases of wilfulness or where the public health, interest or safety so requires, however, the Secretary may without hearing informally suspend such a permit upon the grounds set forth in paragraph (a) of this section, pending determination of formal proceedings under Part 123 of this chapter for suspension or revocation of the permit.

Any person who wishes to submit written data, views, or arguments concerning the proposed regulations may do so by filing them with the Chief of the Bureau of Animal Industry, Agricultural Research Administration, U. S. Department of Agriculture, Washington 25, D. C., within 21 days after the date of publication of this notice in the FEDERAL REGISTER.

Witness my hand and the seal of the U. S. Department of Agriculture. Done at Washington, D. C., this 17th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

[F. R. Doc. 48-10166; Filed, Nov. 19, 1948; 9:04 a. m.]

Production and Marketing Administration

[7 CFR, Part 930]

HANDLING OF MILK IN TOLEDO, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904) a public hearing was held at Toledo, Ohio, on November 4, 1948 upon a proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area.

Preliminary statement. The proposed amendment upon which the hearing was held was submitted by the Northwestern Cooperative Sales Association, Inc.

The material issues presented on the record of hearing were:

(1) The establishment of price levels below which prices for Class I and Class II milk would not be permitted to decline during the next few months but not beyond February 1949;

(2) The need for emergency action which warrants immediate effectuation of a revision in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing.

(1) The Class I milk and Class II milk prices should not be less than $4.70 per hundredweight and $4.10 per hundredweight, respectively, from the effective date of this amendment through January 1949. For the month of February 1949, the Class I milk price should be not less than $4.48 and the Class II milk price should be not less than $3.88.

Prices of Class I and Class II milk under the Toledo order declined 73.6 cents per hundredweight between July and October of this year. This decline was the result of declines in the market prices for the major milk products and in prices paid farmers by milk manufacturing plants. Such prices are, in the alternate, the base upon which Class I and Class II prices are computed pursuant to the order. Such declines occurred during months when both farm prices for the fluid milk market and for condensery milk could be expected to increase seasonally. Data in the record for 1943–1947 indicate seasonal increase in local condensery prices in most years between July and October. The average July to October increase in this period was approximately 8.8 percent. Conversely, local condensery prices for October 1948 declined slightly more than 14.7 percent from the July level. A similar decline

occurred in the other condensery price series employed by the order. This contraseasonal movement of prices, occurring at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels in the next few months in the Toledo milkshed. There are indications also that a further decline in Class I and Class II prices at Toledo may result in the loss of some milk to the major competing markets of Detroit and Cleveland where price levels are somewhat above Toledo this fall.

It was proposed that the Class I and Class II prices be held until the end of February 1949 at minimum levels equivalent to those for the month of September 1948. In this connection, it may be noted from the record that there has been a substantial increase in the amount of milk received from producers in recent months as compared with the corresponding period of 1947. During May to September producer receipts increased more than 2,300,000 pounds over the same five-month period in 1947. On the other hand gross Class I utilization increased only 642,000 pounds. The increase in producer receipts was nearly 3.7 times greater than the increase in gross Class I utilization. The decrease in other source milk needed for Class I was 1,749,000 pounds, declining from 3,669,000 pounds in May–September 1947 to 1,920,000 in May–September 1948. Producer numbers in September 1948 were 5.1 percent higher than in September 1947. From these data, it appears that at the producer price levels in effect substantial gains in milk production relative to fluid milk needs have been made this year. However, the amount of inspected milk will not be sufficient to meet the entire Class I and Class II requirements of all handlers this fall.

Conditions are generally more favorable to milk production in the milkshed this fall as compared with a year ago. There has been a substantial decline in protein feed prices recently. However, beef cattle and hog prices remain relatively high compared with milk prices. In spite of a decrease in protein feed prices with the harvesting of 1948 feed crops and the availability of record quantities of feed per animal, milk production costs are being maintained at relatively high levels by current hay prices, prevailing wage levels for farm labor and recent increases in farm machinery prices. The favorable ratio shown between milk prices and feed prices for recent months follows a long period characterized by an unfavorable ratio. Because of support price programs in operation, it appears unlikely that further declines of a substantial nature in feed prices will occur during the coming winter months. The decline of about 16.9 per cent in the basic formula price which has taken place since July endangers the more favorable milk-feed ratio of the last few months. Further decreases currently in the Class I and Class II prices by this means conceivably could destroy the temporary advantage gained and tend to discourage milk deliveries.

In view of the increases which have taken place in production in relation to production during the same periods last year in relation to sales of Class I milk, it is not considered appropriate to increase prices to the level which prevailed in September. Instead, it is concluded that a further contraseasonal decline through the operation of the current formula should be prevented by maintaining minimum Class I and II prices at approximately the October level for the coming months of December 1948 and January 1949. In order to mitigate the possibility of a contraseasonal price situation as the spring production season approaches, it is concluded further that the minimum Class I and Class II prices should be maintained at a somewhat lower level for February 1949 (22 cents per hundredweight less)

(2) An emergency exists which requires that prompt action be taken to amend the order to effectuate the findings and conclusions set forth above without allowing for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

The testimony showed that under prevailing conditions a further decline in the Class I and Class II prices at this time would have a serious impact upon returns for milk produced for the marketing area. Any delay beyond December 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome inspected milk for the Toledo market, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by December 1, 1948, unless the recommended decision and the filings of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Determination of representative period. The month of September 1948 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Toledo marketing area, in the manner set forth in the attached amending order is approved or favored by producers who during such representative period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order Amending the Order, as Amended, Regulating the Handling of Milk in the Toledo, Ohio, Marketing Area[1]

§ 930.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.,

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

12 F. R. 1159, 4904) a public hearing was held on November 4, 1948 upon certain proposed amendments to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings and determinations are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and the findings and determinations made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Toledo, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 930.5 (a) (1) the proviso contained therein and substitute therefor the following: "*Provided,* That such Class I milk price shall be not less than $4.70 from the effective date of this amendment through January 31, 1949; and not less than $4.48 for the delivery period of February 1949."

2. Add to § 930.5 (a) (2) the following proviso: "*Provided,* That such Class II milk price shall be not less than $4.10 from the effective date of this amendment through January 31, 1949; and not less than $3.88 for the delivery period of February 1949."

[F. R. Doc. 48-10163; Filed, Nov. 19, 1948; 9:03 a. m.]

[7 CFR, Part 965]

Handling of Milk in the Cincinnati, Ohio, Marketing Area

Decision with respect to proposed marketing agreement and to proposed amendment to order, as amended

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps. 900.1 et seq., 12 F. R. 1159, 4904), a public hearing was held at Cincinnati, Ohio, on November 3, 1948, upon a proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

Preliminary statement. The proposed amendment upon which the hearing was held was submitted by The Cooperative Pure Milk Association and the Cincinnati Sales Association.

The material issues presented on the record of hearing were:

(1) The establishment of price levels below which prices for Class I and Class II milk would not be permitted to decline during the next few months but not beyond March 1949;

(2) The need for emergency action which warrants immediate effectuation of revisions in the order.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence introduced at the hearing and the record thereof:

(1) The Class I milk and Class II milk prices should not be less than $5.40 per hundredweight and $4.95 per hundredweight, respectively, from the effective date of this amendment through January 1949. For the month of February 1949, the Class I milk price should be not less than $5.18 and the Class II milk price should be not less than $4.73.

Prices of Class I and Class II milk under the Cincinnati order declined 64 cents per hundredweight between July 1–31 and October 1–15 this year. This decline was the result of a corresponding decline in the condensery price level (prices paid farmers by 5 milk manufacturing plants in Ohio) which was the effective "basic formula price" computed pursuant to the order. Such decline occurred during months when both farm prices for the fluid milk market and for condensery milk could be expected to increase seasonally. Data in the record for 1943–1947 indicate seasonal increases in condensery prices between July and October in most years. The average July to October increase in this period was approximately 10.1 percent. Conversely, prices for the October 1–15 period in 1948 declined slightly more than 13.7 percent from the July level. This contraseasonal movement of prices, happening at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels in the next few months in the Cincinnati milkshed.

It was proposed that the Class I and Class II prices be held until the end of March 1949 at minimum levels equivalent to those for the month of September 1948. In this connection, it may be noted from the record that there has been a substantial increase in the amount of milk received from producers in recent months as compared with the corresponding period of 1947. During May to September producer receipts increased more than 4,600,000 pounds over the same five-month period in 1947. On the other hand gross Class I utilization increased only 460,000 pounds. The increase in producer receipts was nearly 10 times greater than the increase in Class I utilization. Producer numbers in August 1948 had increased over the level of August 1947 by 5.5 per cent. In September 1948 producer numbers were 9.5 per cent higher than in the previous September. From these data, it appears that at the producer price levels in effect substantial gains in milk production relative to fluid milk needs have been made this year. However, it appears that the amount of inspected milk will not be sufficient to meet the entire Class I and Class II requirements of all handlers this fall.

Conditions are generally more favorable to milk production in the milkshed this fall as compared with a year ago. There has been a substantial decline in protein feed prices recently. However, beef cattle and hog prices remain relatively high compared with milk prices. In spite of a decrease in protein feed prices with the harvesting of 1948 feed crops and the availability of record quantities of feed per animal, milk production costs are being maintained at relatively high levels by current hay prices, present wage levels for farm labor and recent increases in farm machinery prices. The unfavorable ratio shown between milk prices and feed prices for recent months follows a long period characterized by an unfavorable ratio. Because of support price programs in operation, it appears unlikely that further declines of a substantial nature in feed prices will occur during the coming winter months. The decline of about 16.9 per cent in the basic formula price which has taken place since July endangers the more favorable milk-feed ratio of the last few months. Further decreases currently in the Class I and Class II prices by this means conceivably could destroy the temporary advantage gained and tend to discourage milk deliveries.

In view of the fact that production has increased over last year and has increased greatly more than the increase in sales of Class I milk, it is not considered appropriate to increase prices to the level which prevailed in September. Instead it is concluded that a further contraseasonal decline through the operation of the current formula should be prevented by maintaining minimum Class I and Class II prices at approximately the October 1–15 level for the coming months of December 1948 and January 1949.

In order to mitigate the possibility of a contraseasonal price situation as the

spring production season approaches, it is concluded further that the minimum Class I and Class II prices should be maintained at a somewhat lower level for February 1949 (22 cents per hundredweight less) and that the formula should operate without restriction after such month.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the findings and conclusions set forth above without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the act imperatively and unavoidably requires the omission of such recommended decision and the filing of exceptions thereto.

The testimony showed that under prevailing conditions a further decline in the Class I and Class II prices at this time would have a serious impact on returns for milk produced for the marketing area. Any delay beyond December 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Cincinnati marketing area, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by December 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of handlers who are subject to the marketing order. Every point covered in the briefs was carefully considered, along with the evidence in the record, in making the findings and reaching the conclusions set forth herein. To the extent that the findings and conclusions proposed in the briefs are not consistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Determination of representative period. The month of September 1948 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Cincinnati marketing area in the manner set forth in the attached amending order is approved or favored by producers who during such representative period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order. Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Cincinnati, Ohio, Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of November 1948.

[SEAL] CHARLES F BRANNAN,
Secretary of Agriculture.

Order[1] Amending the Order, as Amended, Regulating the Handling of Milk in the Cincinnati, Ohio, Marketing Area

§ 965.1 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary to and in addition to the findings and determinations made in connection with the issuance of this order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933) as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq.) a public hearing was held on November 3, 1948, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 965.6 (a) (1) the proviso contained therein and substitute therefor the following: *"Provided,* That such price for Class I milk shall be not less than $5.40 from the effective date of this amendment through January 31, 1949; and not less than $5.18 for the delivery period of February 1949."

2. Delete from § 965.6 (a) (2) the proviso contained therein and substitute therefor the following: *"Provided,* That such price for Class II milk shall be not less than $4.95 from the effective date of this amendment through January 31, 1949; and not less than $4.73 for the delivery period of February 1949."

[F. R. Doc. 48-10165; Filed, Nov. 10, 1948; 9:04 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

[7 CFR, Part 972]

HANDLING OF MILK IN TRI-STATE MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENT TO THE ORDER, AS AMENDED

Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended,

and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") and the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904) a public hearing was held at Huntington, West Virginia, on November 1, 1948, upon a proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State marketing area.

Preliminary statement. Material issues presented at this hearing were as follows:

(1) The establishment of price levels below which Class I and Class II milk prices would not be permitted to decline during the next few months but not beyond March 1949.

(2) The need for emergency action.

Findings and conclusions. The following findings and conclusions on the material issues are based upon evidence introduced at the hearing:

(1) The Class I milk price should not be less than $5.00 per hundredweight at Huntington district plants and $4.80 per hundredweight at other plants of handlers from the effective date of this amendment through January 1949; the Class II milk price should not be less than $4.70 per hundredweight at Huntington district plants and $4.50 per hundredweight at other plants of handlers for the same period. For the month of February 1949, the Class I milk price should be not less than $4.78 at Huntington district plants and not less than $4.58 at other plants of handlers; for such month the Class II milk price should be not less than $4.48 at Huntington district plants and not less than $4.28 at other plants of handlers.

Prices of Class I and Class II milk under the Tri-State order declined 71.5 cents per hundredweight between July 1–31 and October 1–15 this year. This decline was the result of a corresponding decline in the condensery price level (prices paid farmers by 18 milk manufacturing plants in Wisconsin and Michigan) which was the effective "basic formula price" computed pursuant to the order. Such decline occurred at a time of the year when both farm prices for the fluid milk market and for condensery milk could be expected to increase seasonally. Data in the record for 1940–1947 show seasonal increases in condensery prices each year between July and October. The average July to October increase in this period was approximately 10.5 percent. Conversely, prices for the October 1–15 period in 1948 declined slightly more than 16 percent from the July level. This contraseasonal movement of milk prices, occurring at a time of the year when production costs normally increase, has caused considerable uncertainty as to price movements and levels in the next few months in the milkshed supplying the Tri-State marketing area. There are indications also that a further decline in Class I and Class II prices in the Tri-State marketing area may result in a loss of milk to the major competing fluid milk market of Charleston, West Virginia, where the farm price level has advanced rather than declined since July.

It was proposed that the Class I and Class II prices be held until the end of March 1949 at minimum levels equivalent to those for the month of September 1948. In this connection, it may be noted from the record that there has been a substantial increase in the amount of milk received from producers in recent months as compared with the corresponding period of 1947. During May to September producer receipts increased more than 4,100,000 pounds over the same five-month period in 1947. On the other hand Class I utilization (gross) increased 1,400,000 pounds. The increase in producer receipts was nearly 2.9 times greater than the increase in Class I utilization. The decrease in other source milk needed for Class I was 909,000 pounds, declining from 1,571,000 pounds in May–September 1947 to 662,009 pounds in May–September 1948. Producer numbers in September 1948 were 9 percent higher than in the previous September. From these data, it appears that at the producer price levels in effect substantial gains in milk production relative to fluid milk needs have been made this year. However, it is apparent that the amount of inspected milk is not sufficient to meet the entire Class I and Class II requirements of all handlers this fall.

Conditions are generally more favorable to milk production in the milkshed this fall as compared with a year ago. There has been a substantial decline in protein feed prices recently. However, beef cattle and hog prices remain relatively high as compared with milk prices. Also, in spite of a decrease in protein feed prices, with the harvesting of 1948 feed crops and the availability of record quantities of feed per animal, milk production costs are being maintained at relatively high levels by high hay prices, current wage levels for farm labor, and recent increase in farm machinery prices. The favorable ratio shown between milk prices and feed prices for recent months follows a long period characterized by an unfavorable ratio. Because of support price programs in operation, it appears unlikely that further declines of a substantial nature in feed prices will occur during the coming winter months. The decline of about 16 percent in the Class I and Class II prices which has taken place since July endangers the more favorable ratio of the last few months. Further decreases in the Class I and Class II prices at this time conceivably could destroy the temporary advantage gained and tend to discourage milk deliveries.

In view of the increases which have occured in production in relation to the same periods last year and in relation to sales of Class I milk, it is not considered appropriate to increase prices to the level which prevailed in September. Rather, a further contraseasonal decline through the operation of the current formula should be prevented by maintaining minimum Class I and II prices at approximately the October 1–15 level for the coming months of December 1948 and January 1949. In order to mitigate the possibility of a contraseasonal price situation as the spring production season approaches, it is concluded that the minimum Class I and Class II prices should be maintained at a somewhat lower level for February 1949 (22 cents per hundredweight less) and that the formula should operate without restriction after such month.

(2) An emergency exists which requires that action be taken promptly to amend the order to effectuate the above findings and conclusions without allowing time for a recommended decision by the Assistant Administrator, Production and Marketing Administration, and the filing of exceptions thereto. The due and timely execution of the functions of the Secretary of Agriculture under the Act imperatively and unavoidably requires the omission of such recommended decision and filing of exceptions thereto.

The testimony showed that under prevailing conditions a further decline in the Class I and Class II prices at this time would have a serious impact on returns for milk produced for the marketing area. Any delay beyond December 1, 1948, in effectuating the needed changes in the order would seriously threaten an adequate supply of pure and wholesome milk for the Tri-State marketing area, would disrupt orderly marketing and would be contrary to the public interest. The amending order cannot be issued and made effective by December 1, 1948, unless the recommended decision and the filing of exceptions thereto are omitted.

(3) *General.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, regulate the handling of milk in the same manner and are applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held; and

(c) The prices calculated to give milk produced for sale in the said marketing area purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

Rulings on proposed findings and conclusions. Written arguments and proposed findings and conclusions submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reach-

ing the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

Determination of representative period. The month of September 1948 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order, as amended, regulating the handling of milk in the Tri-State marketing area, in the manner set forth in the attached amending order is approved or favored by producers who during such representative period were engaged in the production of milk for sale in the marketing area specified in such marketing order, as amended.

Marketing agreement and order Annexed hereto and made a part hereof are two documents entitled "Marketing Agreement Regulating the Handling of Milk in the Tri-State Milk Marketing Area" and "Order Amending the Order, As Amended, Regulating the Handling of Milk in the Tri-State Marketing Area" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

It is hereby ordered, That all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with the decision.

This decision filed at Washington, D. C., this 17th day of November 1948.

[SEAL] CHARLES F. BRANNAN,
Secretary of Agriculture.

Order Amending the Order as Amended, Regulating the Handling of Milk in the Tri-State Marketing Area[1]

§ 972.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), and the rules of practice and procedure covering the formulation of marketing agreements and orders (7 CFR, Supps., 900.1 et seq., 12 F. R. 1159, 4904) a public hearing was held on November 1, 1948, upon a certain proposed amendment to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Tri-State marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to sections 2 and 8e of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for such milk and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held.

The foregoing findings and determinations are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and the findings and determinations made in connection with the issuance of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

Order relative to handling. It is therefore ordered that on and after the effective date hereof, the handling of milk in the Tri-State marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete from § 972.5 (b) the proviso contained therein and substitute therefor the following: *"Provided,* That such price for Class I milk shall not be less than $5.00 at Huntington district plants and $4.80 at other plants from the effective date of this amendment through January 31, 1949; and not less than $4.78 at Huntington district plants and $4.58 at other plants for the delivery period of February 1949."

2. Delete from § 972.5 (c) the proviso contained therein and substitute therefor the following: *"Provided,* That such price for Class II milk shall not be less than $4.70 at Huntington district plants and $4.50 at other plants from the effective date of this amendment through January 31, 1949; and not less than $4.48 at Huntington district plants and $4.28 at other plants for the delivery period of February 1949."

[F. R. Doc. 48-10164; Filed, Nov. 19, 1948; 9:03 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

NOTICES

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Order 1]

DELEGATIONS OF AUTHORITY TO ENTER INTO CONTRACTS AND LEASES

1. By virtue of the discontinuance of the codification of material relating to organization and procedures of the Fish and Wildlife Service, and pursuant to the notice published October 15, 1948, in the FEDERAL REGISTER (13 F. R. 6066) the existing delegations of the Director, Fish and Wildlife Service, are hereby continued as modified, as follows:

SEC. 60 *Delegations of authority by Director*—(a) *Contracts for procurement.* Pursuant to the authority contained in Secretary's Order No. 2336, dated June 19, 1947 (43 CFR 4.100 (d)) the officials and employees designated herein are authorized to enter into contracts for construction, supplies or services, limited to the amounts indicated in each case, in conformity with applicable regulations and statutory requirements and subject to the availability of appropriations. The officials and employees so authorized may with respect to any such contract issue change orders and extra work orders pursuant to the contract, enter into modifications of the contract which are legally permissible, and terminate the contract if such action is legally authorized. All other delegations or redelegations relating to the same subject matter are revoked.

(1) Headquarters Organization: Chief, Division of Administration, and Chief, Branch of Finance and Procurement, unlimited as to amount; and Purchasing Officer, Branch of Finance and Procurement, $10,000.

(2) Regional Offices: Region 1, Regional Director, Assistant Regional Director, Administrative Officer, and Assistant Administrative Officer; Regions 2 to 5, Regional Director, Assistant Regional Director, and Administrative Officer; and Region 6, Regional Director and Administrative Officer, $10,000.

(3) Other Field Offices: Administrator, Deputy Administrator, and Administrative Officer, Philippine Fishery Pro-

gram, Manila, Luzon, Republic of the Philippines, and Director, Assistant Director, and Administrative Officer, Pacific Oceanic Fishery Investigations, Honolulu, T. H., $10,000; General Manager, Assistant General Manager, Administrative Officer, Purchasing Assistant, Pribilof Islands, Seattle, Washington, $5,000; Liaison Officer, Philippine Fishery Program, San Francisco, California, and Manager, Pocatello Supply Depot, Pocatello, Idaho, $1,000.

(b) *Leases for space in real estate.* Pursuant to the authority contained in Secretary's Order No. 2360, dated September 15, 1947 (43 CFR 4.102 (e)) the officials and employees designated herein are authorized to enter into leases for space in real estate outside the District of Columbia, limited to the amounts indicated in each case, in conformity with applicable regulations, statutory requirements and the said Order of the Secretary No. 2360, and subject to the availability of funds. The officials and employees so authorized may with respect to any existing or future such lease, modify, renew, or terminate the same if such action is legally permissible or authorized. All other delegations or redelegations relating to the same subject matter are revoked.

(1) Headquarters Organization: Chief, Division of Administration, and Chief, Branch of Finance and Procurement, unlimited as to amount; and Purchasing Officer, Branch of Finance and Procurement, $10,000.

(2) Regional Offices: Region 1, Regional Director, Assistant Regional Director, Administrative Officer, and Assistant Administrative Officer; Regions 2 to 5, Regional Director, Assistant Regional Director, and Administrative Officer; and Region 6, Regional Director and Administrative Officer, $10,000.

(3) Other Field Offices: Administrator, Deputy Administrator, and Administrative Officer, Philippine Fishery Program, Manila, Luzon, Republic of the Philippines, and Director, Assistant Director, and Administrative Officer, Pacific Oceanic Fishery Investigations, $10,000.

Dated: November 15, 1948.

M. C. JAMES,
Acting Director

[F. R. Doc. 48-10134; Filed, Nov. 19, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3307]

NORTHWEST AIRLINES, INC., REMOVAL OF GREAT FALLS AND KALISPELL RESTRICTIONS

NOTICE OF HEARING

In the matter of the application of Northwest Airlines, Inc., for amendment of its certificate of public convenience and necessity for route No. 3 so as to remove restrictions preventing services to (a) Great Falls on flights serving Butte, Billings, Bozeman, or Helena, Montana, and (b) Kalispell on flights serving Bozeman, Butte, Helena, or Missoula.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the above application is assigned for hearing on November 30, 1948, at 10:00 a. m. (e. s. t.) in Room 2065, Temporary Building 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner James S. Keith.

Without limiting the scope of the issues to be considered, particular attention will be directed to the following matters:

1. Whether the proposed amendments of certificates are required, in whole or in part, by the public convenience and necessity.

2. Whether the applicant is a citizen of the United States and is fit, willing, and able to perform the proposed new transportation properly and to conform to the provisions of the act and the rules, regulations, and requirements of the Board thereunder.

Notice is further given that any person, other than the parties of record, desiring to be heard in this proceeding shall file with the Board on or before November 30, 1948, a statement setting forth the issues of fact and law raised by this proceeding which he desires to controvert.

Dated at Washington, D. C., November 16, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10151; Filed, Nov. 19, 1948; 9:01 a. m.]

[Dockets Nos. 3415, 3416]

MT. MCKINLEY AIRWAYS, INC., AND GOLDEN NORTH AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

In the matter of the non-certificated operations of Mt. McKinley Airways, Inc., Docket No. 3415, and Golden North Airways, Inc., Docket No. 3416.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings is assigned to be held on November 29, 1948, at 10:00 a. m. (e. s. t.), in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated at Washington, D. C., November 17, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-10152; Filed, Nov. 19, 1948; 9:01 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1030]

DELHI OIL CORP.

NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION AND DECLARATORY ORDER

NOVEMBER 16, 1948.

Notice is hereby given that, on November 12, 1948, the Federal Power Commission issued its finding upon application for status determination and declaratory order entered November 10, 1948, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10126; Filed, Nov. 19, 1948; 8:45 a. m.]

[Docket No. G-1140]

GENERAL CRUDE OIL CO.

NOTICE OF FINDING UPON APPLICATION FOR STATUS DETERMINATION

NOVEMBER 16, 1948.

Notice is hereby given that, on November 12, 1948, the Federal Power Commission issued its finding upon application for status determination entered November 10, 1948, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10127; Filed, Nov. 19, 1948; 8:45 a. m.]

[Project No. 341]

J. M. FREEMAN

NOTICE OF ORDER AUTHORIZING ISSUANCE OF NEW LICENSE

NOVEMBER 16, 1948.

Notice is hereby given that, on November 12, 1948, the Federal Power Commission issued its order entered November 10, 1948, authorizing issuance of new license (minor) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10123; Filed, Nov. 19, 1948; 8:45 a. m.]

[Project No. 734]

WESTERN COLORADO POWER CO.

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (TRANSMISSION LINE)

NOVEMBER 16, 1948.

Notice is hereby given that, on November 15, 1948, the Federal Power Commission issued its order entered November 10, 1948, authorizing amendment of license (transmission line) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10123; Filed, Nov. 19, 1948; 8:45 a. m.]

[Project No. 1907]

THOMAS R. ARMSTRONG, ET AL.

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

NOVEMBER 16, 1948.

In the matter of Thomas R. Armstrong, Frank S. Fisher and Ruby Lera Fisher, Project No. 1907.

Notice is hereby given that, on November 15, 1948, the Federal Power Commission issued its order entered November 10, 1948, approving transfer of license (minor) in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10130; Filed, Nov. 19, 1948; 8:45 a. m.]

CITIES SERVICE GAS CO.

NOTICE OF ORDER APPROVING AND DIRECTING DISPOSITION OF AMOUNTS CLASSIFIABLE IN ACCOUNT 107, GAS PLANT ADJUSTMENTS

NOVEMBER 16, 1948.

Notice is hereby given that, on November 12, 1948, the Federal Power Commission issued its order entered November 10, 1948, approving and directing disposition of amounts classifiable in Account 107, Gas Plant Adjustments, in the above-designated matter.

[SEAL] J. H. GUTRIDE,
Acting Secretary.

[F. R. Doc. 48-10131; Filed, Nov. 19, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-1670]

PITTSBURGH, CINCINNATI, CHICAGO AND ST. LOUIS RAILROAD CO.

NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 16th day of November A. D. 1948.

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to strike from registration and listing the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company Consolidated Mortgage Guaranteed 3½% Bonds Series E due August 1, 1949, of the Pittsburgh, Cincinnati, Chicago and St. Louis Railroad Company.

The application alleges that (1) the above security was issued under a consolidated mortgage dated October 1, 1890, to the Farmers' Loan and Trust Company of New York, Trustee, now known as City Bank Farmers Trust Company; (2) the applicant exchange has been notified from time to time of the retirement of this security through operation of a sinking fund and otherwise; (3) the Trustee of this issue, under date of October 6, 1948, certified to the applicant exchange the cancellation of $470,000 principal amount of these bonds through operation of the sinking fund; (4) this retirement reduced the outstanding principal amount of this security to $74,000; (5) the outstanding amount of this security has been so reduced as to make further dealings therein on the applicant exchange inadvisable; (6) dealings in this security on the applicant exchange were suspended by action of the exchange at the opening of the trading session on October 22, 1948; and (7) the rules of the New York Stock Exchange with respect to the striking of a security from registration and listing have been complied with.

Upon receipt of a request, prior to December 10, 1948, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms or conditions. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application, and other information contained in the official file of the Commission pertaining to this matter.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant Secretary.

[F. R. Doc. 48-10136; Filed, Nov. 19, 1948; 8:47 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT & RAILWAYS CO. ET AL.

SUPPLEMENTAL ORDER CONTINUING JURISDICTION WITH RESPECT TO PROPOSED SALE AND PERMITTING SALE AND TRANSFER OF SHARES

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 16th day of November A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17 and 54-25.

American Light & Traction Company ("American Light") a registered holding company, having filed an application-declaration and amendments thereto, in accordance with the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules promulgated thereunder, with respect to the proposed sale, pursuant to the competitive bidding requirements of Rule U-50 of 192,734 shares of the common stock of the Detroit Edison Company ("Detroit Edison") and the use of the proceeds received from such sale; and

The Commission by order dated November 9, 1948, having granted and permitted to become effective said application-declaration with respect to the proposed sale of 192,734 shares of Detroit Edison common stock, subject to the condition that the sale not be consummated until the results of competitive bidding shall have been made a matter of record in the proceeding and a further order shall have been entered by the Commission in the light of the record so completed, for which purpose jurisdiction was reserved, and subject to the further condition that American Light, prior to the consummation of the proposed sale, file an amendment agreeing that it will take or cause to be taken such action as will result in a severance of all interlocking directorates between it and Detroit Edison, and the Commission having reserved jurisdiction with respect to the fees and expenses to be paid in connection with the proposed sale of Detroit Edison stock and having continued the reservation of jurisdiction contained in its order of December 30, 1947, over the accounting treatment with respect to the proposed sale; and

American Light having filed an amendment stating that in accordance with the order of the Commission dated November 9, 1948 it offered said stock for sale pursuant to the competitive bidding requirements of Rule U-50 and received the following bids:

Name of Bidder	*Price per share to company*
Blyth & Co	$19.546
The First Boston Corp	19.53999
Coffin & Burr, Inc., and Spencer Trask & Co	19.4499
Otis & Co	18.93

The amendment further stating that the bid of Blyth & Company has been accepted, and that the purchasers propose to offer the stock to the public at $20.125 per share resulting in an underwriting spread of $.579 per share which is equal to 2.96% of the price to the company and 2.88% of the public offering price; and

American Light having filed further amendments agreeing to take or cause to be taken such action as will result in a severance of all interlocking directorates between it and Detroit Edison not later than the next annual meeting of stockholders of Detroit Edison and stating that the fees and expenses to be paid by the company will aggregate $10,050 of which $7,500 represents legal fees to three separate counsel and that the fee of Chadbourne, Hunt, Jaeckel & Brown, New York, counsel for the prospective bidders, will be $4,000 which amount will be paid by the successful bidder; and

It appearing that the estimated fees and expenses proposed to be paid by American Light in connection with the sale of the Detroit Edison common stock aggregating $10,050, including counsel fees payable, $4,500 to Sidley, Austin, Burgess & Harper, $500 to Fischer, Brown, Sprague, Franklin and Ford, and $2,500 to Sullivan and Cromwell and the fees of independent counsel, estimated at $4,000 to be paid by the successful bidder to Chadbourne, Hunt, Jaeckel & Brown are not unreasonable; and

The Commission having examined and considered the record herein and finding that the applicable standards of the act and the rules and regulations thereunder with respect to the sale of said stock have been complied with, and observing no basis for imposing terms and conditions with respect to the price to be received for said stock or the underwriting spread and the allocation thereof:

It is ordered, Subject to the terms and conditions prescribed by Rule U-24, that the application-declaration, as amended, be, and hereby is, granted and permitted to become effective forthwith and that the jurisdiction heretofore reserved with respect to the price to be received by American Light for the 192,734 shares of common stock of Detroit Edison Company, the underwriters' compensation and the fees and expenses to be incurred and paid in connection with said sale, be, and hereby is, released; and

It is further ordered, That the reservation of jurisdiction with respect to the accounting treatment in connection with the proposed sale be, and hereby is, continued.

It is further ordered and recited, That the sale and transfer by American Light of 192,734 shares of Capital Stock of Detroit Edison (represented by Certificate Nos. K-116, K-119, K-138, K-144 and K-146) at the price of $19.546 per share are necessary or appropriate to the integration or simplification of the holding company system of which American Light is a member, and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10137; Filed, Nov. 19, 1948; 8:47 a. m.]

[File No. 70-1956]

SIOUX CITY GAS AND ELECTRIC CO. AND IOWA PUBLIC SERVICE CO.

SUPPLEMENTAL ORDER RELEASING JURISDICTION AND GRANTING AND PERMITTING APPLICATION-DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C. on the 16th day of November 1948.

Sioux City Gas and Electric Company ("Sioux City") a registered holding company and a public utility company, and its subsidiary, Iowa Public Service Company ("Iowa") also a public utility company and a registered holding company, having filed a joint application-declaration and amendments thereto, pursuant to sections 6 (a) 7, 9, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 (the "act") and Rules U-43 and U-50 thereunder, regarding, among other things, the proposed issuance and sale by Iowa, pursuant to the competitive bidding requirements of Rule U-50, of $3,000,000 principal amount of its First Mortgage Bonds, to be dated as of November 1, 1948 and to mature in 1978, and the issuance and sale of 109,866 additional shares of its authorized but unissued $15 par value common stock at a price of not less than $15 per share by means of the issuance of transferable subscription warrants to its common stockholders; and

The Commission having by order dated October 21, 1948, granted and permitted to become effective said joint application-declaration as amended subject, however, to the conditions, among others, that the proposed issuance and sale of bonds and common stock of Iowa should not be consummated until the results of the competitive bidding for the bonds and the subscription price for the common stock of Iowa had been made a matter of record in this proceeding and a further order had been entered by this Commission in the light of the record so completed and the Commission having further reserved jurisdiction with respect to the payment of any and all fees and expenses incurred, or to be incurred, in connection with the proposed issuance and sale of the securities of Iowa; and

Sioux City and Iowa having filed a further amendment herein stating that a subscription price of $15 per share of common stock of Iowa has been fixed and that, pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Group headed by—	Coupon rate	Price to company	Annual cost of money
	Percent	*Percent*	*Percent*
Halsey, Stuart & Co. Inc.[1]	3¼	101.6799	3.125778
The First Boston Corp.	3¼	101.6799	3.125778
Otis & Co.	3¼	100.579	3.216778
Harriman Ripley & Co., Inc.[1]	3¼	100.342	3.232111
Kidder, Peabody & Co.[1]	3¼	100.2999	3.235167
Glore, Forgan & Co.	3¼	100.2397	3.238778
Equitable Securities Corp.	3¼	100.233	3.234148
Salomon Bros. & Hutzler[1]	3¼	100.1297	3.237544

[1] Sole member of group.

Said amendment having further stated that Iowa has accepted the bid of Halsey, Stuart & Co. Inc., as set out above, and that such bonds will be offered for sale to the public at a price of 101.93% of the principal amount thereof plus accrued interest, resulting in an underwriting spread of 0.85001% of the principal amount of said bonds; and

It appearing to the Commission that the fees and expenses proposed to be paid in connection with the financing of Iowa are not unreasonable, said fees and expenses including counsel fees as follows:

Winthrop, Stimson, Putnam & Roberts (New York counsel for Iowa)	$3,500
Sifford & Wadden (local counsel for Iowa)	2,000
Hughes, Hubbard & Ewing (counsel for the underwriters)	5,000

The Commission having examined said amendment and having considered the record herein and finding no basis for imposing terms and conditions with respect to said matters:

It is ordered, That the jurisdiction heretofore reserved with respect to the subscription price of the common stock and the matters to be determined as the result of competitive bidding in connection with the sale of the said bonds under Rule U-50, be, and the same hereby is, released and that the said joint application-declaration of Sioux City and Iowa as further amended herein be, and the same hereby is, granted and permitted to become effective forthwith, subject however to the terms and conditions prescribed in Rule U-24.

It is further ordered, That the jurisdiction heretofore reserved with respect to the payment of any and all fees and expenses incurred, or to be incurred, in connection with the issuance and sale of the securities of Iowa, be, and the same hereby is, released.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-10133; Filed, Nov. 19, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11931.

[Vesting Order 12238]

EDWARD C. HEGELER

In re: Trust u/w of Edward C. Hegeler, deceased. File D-28-7396-G-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Joachim Krache, Horst Krache, Wolfgang Temme, Margarethe Louise Catherine Barkhausen, Anna Johanna Marie Barkhausen Dittman, Heinrich Georg Barkhausen, Elizabeth Paula Emma Barkhausen Mollier, Emma Meta Obkircher, Theodore Choulant, Liddy Schotte, Oscar Schotte, Alexander Schotte, Wilhelm Schotte, Maria Roche and Martha Wohlfarth, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the children or heirs, devisees and legatees, names, unknown of Margarethe Louise Catherine Barkhausen, of Anna Johanna Marie Barkhausen Dittman, of Heinrich Georg Barkhausen, of Elizabeth Paula Emma Barkhausen Mollier, of Emma Meta Obkircher, of Theodore Choulant, of Liddy Schotte, of Maria Roche and of Martha Wohlfarth, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the trust created under the will of Edward C. Hegeler, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by the Continental Illinois National Bank and Trust Company of Chicago, as Substitute Trustee, acting under the judicial supervision of the Probate Court of the State of Illinois, in and for the County of La Salle;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraphs 1 and 2

hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on October 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-10153; Filed, Nov. 19, 1948; 9:01 a. m.]

[Vesting Order 12322]

DR. MAX CARL SWOBODA

In re: Stock and bonds owned by and debt owing to Dr. Max Carl Swoboda. F-28-646-A-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Dr. Max Carl Swoboda, whose last known address is Sulzbach Inn, Niederbayern, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. Ten (10) shares of no par value preferred Series A capital stock of Eastern States Corporation, 10 Light Street, Baltimore, Maryland, a corporation organized under the laws of the State of Maryland, evidenced by certificates numbered A 0955 and A 0960 for the five (5) shares each, registered in the name of Schoellkopf, Hutton & Pomeroy, Inc., and presently in the custody of Schoellkopf, Hutton & Pomeroy, Inc., 70 Niagara Street, Buffalo, New York, together with all declared and unpaid dividends thereon,

b. Eleven (11) German Government International 5½% Loan 1930 Gold Bonds, of $1,000 face value each, bearing the numbers C 56624, C 56801, C 62877, C 66933, C 71028, C 74513, C 78421, C 80100, C 89219, C 89220, and C 91997, each in bearer form, presently in the custody of Schoellkopf, Hutton & Pomeroy, Inc., 70 Niagara Street, Buffalo, New York, together with any and all rights thereunder and thereto, and

c. That certain debt or other obligation owing to Dr. Max Carl Swoboda, by Schoellkopf, Hutton & Pomeroy, Inc., 70 Niagara Street, Buffalo, New York, in the amount of $1,653.50 as of December 31, 1945, arising out of a credit balance in an account with the aforesaid Schoellkopf, Hutton & Pomeroy, Inc., together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Dr. Max Carl Swoboda, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 4, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10154; Filed, Nov. 19, 1948; 9:01 a. m.]

[Vesting Order 12351]

WILLY ELBEL ET AL.

In re: Interests in oil and gas leases and claims owned by Willy Elbel, and others.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose names and last known addresses appear below, are residents of Germany and nationals of a designated enemy country (Germany)

Names and Last Known Addresses

Willy Elbel, Rudolstadter-Str. 16. Bad Blankenberg, Thuer, Germany.

Alma Gelmroth, also known as Alma Gelmorth, Altremdaerstrasse, Remba, b/Rudolstadt, Thuer, Germany.

Elsa Hanschmann, also known as Ella Hanschman and as Elsa Hanschman, Glascheutterstrasse-14, Dresden-19, Germany.

Hans Kloecker, also known as Hans Kloeker, Rudolstaedter-39, Bad Blankenberg, Thuer, Germany.

Karl Schumann, Breitanherda b/Remda, Thuer, Germany.

Ida Schwarz, also known as Ida Schwartz, Altremdaerstrasse Remda, Rhuer, Germany.

Max Zuerner, also known as Max Zurner, Muehlbachgasse-86, Remda, b/Rudolstadt, Thuer, Germany.

G. R. Oswald Elbert, Fritz-Teuterstrasse 17, Dresden-Neustadt, Germany.

2. That the property described as follows:

a. An undivided thirteen six-hundredths (13/600ths) interest in seven-eighths (7/8ths) of the entire production in or under an oil and gas lease, known as the Kincaid Moseley lease, which lease was executed November 3, 1930, by and between Beulah Milas and King Milas, her husband, et al., Lessors, and Dr. W D. Northcutt, Lessee, recorded in the Office of the County Clerk of Gregg County, Texas, December 29, 1930, Volume 61, Pages 615-616 of Deed Records, covering real property situated in the County of Gregg, State of Texas, particularly described in Exhibit A, attached hereto and by reference made a part hereof,

b. All those certain debts or other obligations owing to Willy Elbel, Alma Gelmroth, also known as Alma Gelmorth, Elsa Hanschmann, also known as Ella Hanschman and as Elsa Hanschman, Hans Kloecker, also known as Hans Kloeker, Karl Schumann, Ida Schwarz, also known as Ida Schwartz and Max Zuerner, also known as Max Zurner by W. W. Williams, Trustee, c/o Trapp and Blankenship, 1816 Petroleum Building, Oklahoma City, Oklahoma, arising out of income collected from their respective interests in the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Willy Elbel, Alma Gelmroth, also known as Alma Gelmorth, Elsa Hanschmann, also known as Ella Hanschman and as Elsa Hanschman, Hans Kloecker, also known as Hans Kloeker, Karl Schumann, Ida Schwarz, also known as Ida Schwartz and Max Zuerner, also known as Max Zurner, the aforesaid nationals of a designated enemy country (Germany),

3. That the property described as follows:

a. An undivided four six-hundredths (4/600ths) interest in and to seven-eighths of the entire production in or under a certain oil and gas lease, known as the Beulah Milas lease, which lease was executed March 14, 1931, by and between Beulah Milas and King Milas, her husband, Lessors, and W. D. Northcutt, Lessee, recorded in the Office of the County Clerk of Gregg County, Texas, May 29, 1931, Volume 84, Pages 356-358 of Deed Records, covering real property situated in the County of Gregg, State of Texas, particularly described in Exhibit B, attached hereto and by reference made a part hereof,

b. All those certain debts or other obligation owing to G. R. Oswald Ebert and Ida Schwarz, also known as Ida Schwartz, by W W Williams, Trustee, c/o Trapp and Blankenship, 1816 Petroeum Building, Oklahoma, City, Oklahoma, arising out of income collected on their respective interests in the

property described in subparagraph 3-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of or owing to, or which is evidence of ownership or control by, G. R. Oswald Ebert and Ida Schwarz, also known as Ida Schwartz, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 3-a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-b and 3-b hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

EXHIBIT A

All that certain tract of land situated in the County of Gregg, State of Texas, described as follows, to wit:

Being a part of the John Ruddle, Head Right Survey, about 8-miles west of the City of Longview, Texas, described as follows to-wit:

Beginning at the S. W. corner, of the Rufus Moseley, 55 acre tract, a stake;

Thence N. 317.4 vrs. to Ella Anderson's S. W. corner, stake for corner;

Thence E. 140.2 vrs. to Beullah Miles, N. W. corner a stake for corner;

Thence S. 317.4 vrs. to the S. line of the 55 acre tract mentioned above;

Thence W. 140.2 vrs. to the place of beginning, containing 7.88 acres of land, more or less.

EXHIBIT B

All that certain tract of land situated in the County of Gregg, State of Texas, described as follows, to-wit:

Being the land that Beulah Milas inherited from her father, Rufus Moseley, a part of the John Ruddle H. R. Survey, about 8 miles West of the City of Longview, and described by metes and bounds by beginning at the S. E. corner of Ella Anderson 7.85 acre tract, stake; Thence S. 317.4 vrs. stake, S. W. corner of India Anderson 15.7 acre tract; Thence W. 140.2 vrs. stake in S line of 55 acre tract; Thence N. 317.4 vrs. to stake in S line of Ella Anderson tract; Thence E 140.2 vrs. to place of beginning, containing 7.85 acres. Being same land set apart to Beulah Milas in Partition Deed between Herbert Moseley et al. dated Jan. 19, 1926, duly recorded in Vol. 52, Page 96, Deed Records of Gregg County, Texas, being a part of the John Ruddle H. R. Survey, in Gregg County, Texas.

[F. R. Doc. 48-10155; Filed, Nov. 19, 1948; 9:02 a. m.]

[Vesting Order 6713 Amdt.]

CONRAD MANDEL ET AL.

In re: Interest in real property, property insurance policies and a claim owned by Conrad Mandel, John Mandel, Henry Mandel, and Elizabeth Pez.

Vesting Order 6713, dated June 21, 1946 is hereby amended as follows and not otherwise:

By deleting the name Maria Merle, wherever it appears in said Vesting Order 6713;

By deleting from subparagraph 1-a of said Vesting Order 6713, Bottendorf, Germany, as the last known address of Maria Merle;

By deleting subparagraph 2-a of said Vesting Order 6713, and substituting therefor the following:

a. An undivided 4/7ths interest in real property situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibits A and B, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

All other provisions of said Vesting Order 6713 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10157; Filed, Nov. 19, 1948; 9:02 a. m.]

MARIA SCARAMELLINI PIRONDINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Maria Scaramellini Pirondini, San Casciano, Sondrio, Italy; 31031; $9,496.79 in the Treasury of the United States. Real property situated in Logan County, Colorado, particularly described as follows: The South Half (S½) of Section Five (5), Township Eight (8) North, Range Fifty-two, (52), West of the 6th P. M., Logan County, Colorado, except that part of the N½ of SE¼ of said Section 5, Township 8 North, Range 52 West of the 6th P. M. described as follows, to wit: Commencing at the Northeast corner of said SE¼ of Section 5, Township 8 North, Range 52 West of the 6th P. M. as the point of beginning, thence South 89°30' West 2037 feet to the Easterly right-of-way line of the Pawnee Extension Company ditch; thence Southerly along the Easterly right-of-way line and parallel with the center line of the Pawnee Extension Company ditch a distance of 930 feet to a point; thence South 85°55' East 2478 feet to the section line, thence North 922 feet to the place of beginning; also All that part of the S½ of NE¼ of Section 5, Township 8 North, Range 52, West of the 6th P. M. lying on the Westerly side of the right-of-way of the Pawnee Extension Company ditch as now constructed upon and across the said South Half of the Northeast Quarter above described. Six shares of The Farmers' Pawnee Canal Company, Sterling, Colorado, Capital Stock—par value $5.00 per share, evidenced by Certificate Number 444 registered in the name of Maria Scaramellini-Pirondini fu Dell'Anna. Ten shares of The Pawnee Extension Company, Sterling, Colorado, Capital Stock—par value $100 per share, evidenced by Certificate Number 44 registered in the name of Maria Scaramellini-Pirondini fu Dell'Anna. The above certificates now in custody Comptroller's Branch, Office of Alien Property, 120 Broadway, New York, New York.

Executed at Washington, D. C., on November 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10162; Filed, Nov. 19, 1948; 9:03 a. m.]

[Vesting Order CE 461]

COSTS AND EXPENSES INCURRED IN CERTAIN ACTIONS OR PROCEEDINGS IN CERTAIN COURTS OF MINNESOTA AND RHODE ISLAND

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it having been found:

1. That each of the persons named in Column 1 of Exhibit A, attached hereto and by reference made a part hereof, was a person within the designated enemy country or the enemy-occupied territory identified in Column 2 of said Exhibit A opposite such person's name;

2. That it was in the interest of the United States to take measures in connection with representing each of said persons in the court or administrative action or proceeding identified in Column 3 of said Exhibit A opposite such person's name, and such measures having been taken;

3. That as a result of such action or proceeding each of said persons obtained

or was determined to have the property particularly described in Column 4 of said Exhibit A opposite such person's name;

4. That such property is in the possession or custody of, or under the control of, the person described in Column 5 of said Exhibit A opposite such property;

5. That, in taking such measures in each of such actions or proceedings, costs and expenses have been incurred in the amount stated in Column 6 of said Exhibit A opposite such action or proceeding;

Now, therefore, there is hereby vested in the Attorney General of the United States, to be used or otherwise dealt with in the interest of and for the benefit of the United States, interests in the property in the possession or custody of, or under the control of, the persons described in Column 5 of said Exhibit A in amounts equal to the sums stated in Column 6 of said Exhibit A.

The term "designated enemy country" as used herein shall have the meaning prescribed in section 10 of Executive Order 9193, as amended. The term "enemy-occupied territory" as used herein shall have the meaning prescribed in Rules of Procedure, Office of Alien Property, § 501.6 (8 CFR, Cum. Supp., 503.6)

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

EXHIBIT A

Column 1 Name	Column 2 Country or territory	Column 3 Action or proceeding	Column 4 Property	Column 5 Depositary	Column 6 Sum vested
		Item 1			
Sarah Crandall Wiltse Werner	Germany	Trust under the will of Caroline H. Addison in District Court of the Fourth Judicial District, State of Minnesota.	Income from trust under the will of Caroline H. Addison, deceased.	Northwestern National Bank of Minneapolis, Minn., trustee.	$85.60
		Item 2			
Do	do	Trust under the will of Sarah S. Wiltse, deceased in Surrogate's Court of County of Nassau, State of New York.	Income from trust under the will of Sarah S. Wiltse deceased.	Franklin S. Wiltse, trustee under the will of Sarah S. Wiltse, deceased R. F. D. Saylesville, R. I.	95.00

[F. R. Doc. 48-10156; Filed, Nov. 19, 1948; 9:02 a. m.]

ANGELO DI PAOLO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Angelo Di Paolo, a/k/a Angelo De Paolo, Teramo, Italy, 5900; $3,062.95 in the Treasury of the United States. General Trust Mortgage Fund Participation Certificate No. 614 issued by West Branch Bank and Trust Company, Williamsport, Pennsylvania, Successor Trustee to Lycoming Trust Company, Williamsport, Pennsylvania, presently in custody of the Depository Section, Operations Branch, Office of Alien Property, Washington, D. C.

Executed at Washington, D. C., on November 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10159; Filed, Nov. 19, 1948; 9:02 a. m.]

FUEL REFINING CORP.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Fuel Refining Corp., 225 West 34th Street, New York, N. Y., 904; Property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) relating to United States Letters Patent Nos. 1,603,792, 1,619,535, 1,829,608, 2,043,945, 2,049,272, 2,082,215, 2,108,610, and in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943) relating to United States Letters Patent No. 1,577,487, and in Vesting Order No. 671 (8 F. R. 5004, April 17, 1943) relating to United States Letters Patent Nos. 2,158,666, 2,159,359, 2,195,466, 2,199,513. This return shall not be deemed to include the rights of any licensees under the above patents.

Executed at Washington, D. C., on November 12, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director Office of Alien Property.

[F. R. Doc. 48-10161; Filed, Nov. 19, 1948; 9:02 a. m.]

MADDALENA S. CERNUSCHI AND GIOVANNI CERNUSCHI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property and Location

Maddalena S. Cernuschi and Giovanni Cernuschi, Bergamo, Italy, 17607; $9,011.13 in the Treasury of the United States. All that lot or parcel of land lying or being in Washington, D. C., described as follows: Lot numbered six hundred and fifty (650), in John Mitchell's subdivision of part of "Mount Pleasant" as per plat recorded in the Office of the Surveyor for the District of Columbia, in Liber 38 at folio 126, improved by premises Nos. 3201, 3203 and 3205 Mount Pleasant Street, according to Survey by the Surveyor for the District of Columbia and recorded in Survey Book 41, page 249, in the Office of said Surveyor, the aforesaid premises now known as 3201½, 3203 and 3205 Mount Pleasant Street. Together with right of way over three feet alley way adjoining said lot numbered Six hundred and fifty (650) on the North-westerly side as provided by Agreement recorded in Liber 3270 at folio 135, and subject to a perpetual right of way over the rear 3.70 feet of said lot numbered six hundred and fifty (650) for alley purposes, in favor of the owners of lots numbered Six hundred and Forty-nine (649) and Six hundred and fifty (650) in said subdivision as shown on said Survey, together with the improvements, rights, and privileges, and appurtenances to the same belonging.

Executed at Washington, D. C., on November 16, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-10160; Filed, Nov. 19, 1948; 9:02 a. m.]